

**H.4657 CONFERENCE COMMITTEE
SUMMARY OF PROVISO CHANGES FOR FY 2010-11
DIFFERENCES FOR DISCUSSION**

SECTION 1 - H63-DEPARTMENT OF EDUCATION

1.61 DELETE (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program to provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District and then to eligible children in school districts with a poverty index of 90% or greater. Directs that the program be available for the 2009-10 school year on a voluntary basis. Directs the EOC to conduct an evaluation of the pilot program and issue a report to the General Assembly by 1/1/10. Authorizes unexpended funds to be carried forward and remain in the program.

WMC: AMEND proviso to update school year references to "2010-11" and calendar year references to "2011." Delete the prohibition on using funds appropriated for this purpose to fund services to at risk 4 year olds who reside outside the trial or plaintiff districts during the pilot program implementation. Require the EOC report on evaluation of the pilot program January 15th of the current fiscal year rather than January 1, 2010. Authorize CDEPP providers to enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and if funds are available, to receive reimbursement, if by October 1st at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the department and the Office of First Steps. Amend the funded cost per child from "\$4,093" to "\$4,218" and delete the authorization that up to \$2,500 may be provided annually to procure consumable and other materials in established classrooms. Delete the requirement that First Steps include EOC fiscal and management questions in its triennial external evaluation. Delete the specification of what must be included in the 2010 evaluation and instead direct that the annual evaluation address the implementation, accountability and effectiveness of CDEPP. Fiscal Impact: OSB indicates this amendment would have a negligible impact on CDEPP expenditures. The funded cost per child increase from \$4,093 to \$4,218 (\$125) will be largely offset by deletion of the annual \$2,500 per classroom for consumables and materials. There are currently approximately 4,000 children being served by the program in about 249 classrooms.

HOU: ADOPT proviso as amended.

SFC: ADOPT proviso as amended

SEN: ADOPT proviso as amended.

1.61. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the ~~2009-10~~ 2010-11 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2009-10~~ 2010-11 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. ~~During the implementation of the pilot program, no funds appropriated~~

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~~by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.~~

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2010 15 of the current fiscal year. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the

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provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must

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focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers

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from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2009-10~~ 2010-11 school year, the funded cost per child shall be ~~\$4,093~~ \$4,218 increased annually by the rate of inflation as determined by the

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Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. ~~Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms.~~ Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2010 15th of the current fiscal year. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. ~~The Office of First Steps will include in its triennial external evaluation pursuant to Section 59-152-160 of the 1976 Code, fiscal and management questions as provided by the Education Oversight Committee.~~

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. ~~The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180 day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First~~

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~~Steps and the Department of Education to CDEPP teachers. *The annual evaluation will address the implementation, accountability, and effectiveness of CDEPP.*~~

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

HOU2: DELETE proviso. *Moved to EIA 1A.49.* Sponsor: Rep. Cooper.

1.61. (SDE: Child Development Education Pilot Program) ~~There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2009-10 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.~~

~~(A) For the 2009-10 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at risk four year old children. During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at risk four year old children residing outside of the trial or plaintiff districts.~~

~~The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, 2010. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at risk four year old children in the state.~~

~~Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.~~

~~(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.~~

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The parent of each eligible child may enroll the child in one of the following programs:

(1) a school year four year old kindergarten program delivered by an approved public provider; or

(2) a school year four year old kindergarten program delivered by an approved private provider.

~~The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.~~

~~In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.~~

~~No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.~~

~~(C) Public school providers choosing to participate in the South Carolina Four Year Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four Year Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.~~

~~Providers shall:~~

~~(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;~~

~~(2) comply with all state and local health and safety laws and codes;~~

~~(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;~~

~~(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;~~

~~(5) comply with all program, reporting, and assessment criteria required of providers;~~

~~(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;~~

~~(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;~~

~~(8) be approved, registered, or licensed by the Department of Social Services; and~~

~~(9) comply with all state and federal laws and requirements specific to program providers.~~

~~Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment.~~

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However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood-related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research-based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full-day, center-based program with 6.5 hours of instruction daily for 180 school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

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~~(F) Every classroom providing services to four year old children established pursuant to this provision must have a lead teacher with at least a two year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.~~

~~(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.~~

~~(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four year old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four year old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.~~

~~(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:~~

- ~~(1) serve as the fiscal agent;~~
- ~~(2) verify student enrollment eligibility;~~
- ~~(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;~~
- ~~(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;~~
- ~~(5) serve as a clearing house for information and best practices related to four year old kindergarten programs;~~
- ~~(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;~~

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~~(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four year old kindergarten programs;~~

~~(8) maintain a database of the children enrolled in the program; and~~

~~(9) promulgate guidelines as necessary for the implementation of the pilot program.~~

~~(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:~~

~~(1) serve as the fiscal agent;~~

~~(2) verify student enrollment eligibility;~~

~~(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;~~

~~(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;~~

~~(5) serve as a clearing house for information and best practices related to four year old kindergarten programs;~~

~~(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;~~

~~(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four year old kindergarten programs;~~

~~(8) maintain a database of the children enrolled in the program; and~~

~~(9) promulgate guidelines as necessary for the implementation of the pilot program.~~

~~(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2009-10 school year, the funded cost per child shall be \$4,093 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.~~

~~(L) Pursuant to this provision, the Department of Social Services shall:~~

~~(1) maintain a list of all approved public and private providers; and~~

~~(2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.~~

~~(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2010. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four year old kindergarten~~

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~~program for at risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four year old evaluation to support the annual collection of and continuous evaluation of data. The Office of First Steps will include in its triennial external evaluation pursuant to Section 59-152-160 of the 1976 Code, fiscal and management questions as provided by the Education Oversight Committee.~~

~~The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at risk four year old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four year old population, the total number of CDEPP approved four year old kindergarten spaces available, the number of four year old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four year old kindergarten enrollment projections for the two years following the report. The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180 day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers.~~

~~To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half day four year old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.~~

- 1.76 DELETE NEW PROVISO (High School Driver Education) WMC:** ADD new proviso to suspend, for FY 10-11, the requirement that high schools offer driver education, but allow schools to continue to offer the course if they so choose. Direct the department to survey school districts and collect information on the cost of the program, the number of participants, and recommendations regarding continuing the program. Direct the department to submit a report by January 1, 2011, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee outlining the findings of the survey and the recommended changes to the course. Direct the department to work with DMV in collecting and reporting driver education input. *Allows school districts the option on whether or not to continue to provide the program given the cost of car rental, insurance, simulators, gas, etc.* Fiscal Impact: No impact on the General Fund. Requested by Department of Education.
HOU: ADOPT new proviso.

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SFC: ADOPT new proviso.

SEN: ADOPT new proviso.

1.76. (SDE: High School Driver Education) For Fiscal Year 2010-11 the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

1.76. (SDE: High School Driver Education) **DELETED**

- 1.80 REINSERT NEW PROVISO** (Index of Taxpaying Ability) **WMC:** ADD new proviso to suspend, for the current fiscal year, the provisions of Section 59-20-20(3) [EDUCATION FINANCE ACT OF 1977; DEFINITIONS] for purposes calculating the Index of Taxpaying Ability. Direct that for the current fiscal year, the index as calculated by the Department of Revenue for 2009 shall apply. Fiscal Impact: OSB states that the department reports this provision would have no impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

1.80. (SDE: Index of Taxpaying Ability) **DELETED**

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

1.80. (SDE: Index of Taxpaying Ability) For the current fiscal year, the provisions of Section 59-20-20(3) of the 1976 Code providing for the calculation of the Index of Taxpaying Ability are suspended. In lieu of the index as calculated pursuant to that provision, the index as calculated by the Department of Revenue for 2009 applies for the current fiscal year.

- 1.81 REINSERT NEW PROVISO** (Single Gender Charter Schools) **WMC:** ADD new proviso to allow a person or nonprofit corporate entity to seek to form a single gender charter school. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso

SEN: ADOPT deletion of new proviso.

1.81. (SDE: Single Gender Charter Schools) **DELETED**

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HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

1.81. (SDE: Single Gender Charter Schools) A person or nonprofit corporate entity may seek to form a single gender charter school.

- 1.88** **AMEND NEW PROVISO FURTHER** (ITA Study Committee) **SFC:** ADD new proviso to establish an Index of Taxpaying Ability Study Committee from the funds appropriated to or authorized for the department. Direct the study committee to examine the index of taxpaying ability and its relationship to EFA resources available to individual school districts in support of the education foundation program required by the state and to EXAMINE the manner in which the index is calculated and the impact of property tax measures in the calculation. Direct that the composition of the 14 member committee is as follows: 4 members appointed by the Senate President Pro Tempore and 4 members appointed by the Speaker of the House who must possess business, school district finance or economics experience and must include representatives from the Department of Education, Department of Revenue, and B&C Board Office of Research and Statistics; 3 members of the Senate appointed respectively by the President Pro Tempore, Majority Leader and Minority Leader; and 3 members of the House appointed by the Speaker, one of whom must be a member of the minority caucus. Direct that chairman be elected by the members of the committee. Require a report to be prepared and delivered by January 1, 2011 to the Chairmen of the Senate Finance, House Ways and Means, Senate Education, and House Education and Public Works Committees. Direct that members serve without compensation for per diem, mileage, and subsistence.
- SEN:** AMEND new proviso direct the committee to also determine the best method to flow down the state's portion of education funding to schools and to examine all state and local sources of K-12 education funding. Direct the committee to study a weighted pupil formula or any other formula they find appropriate. Direct the committee to consider the following specific questions: (1) how to reform educational program funding, mainly in the 74 EFA funding categoricals to ensure more funds make it to the schools; (2) how to provide spending flexibility; (3) how to emphasize allowing principals budgetary spending input; (4) how to provide educators' use of funds to produce the best results for students; (5); and how to spend the EFA's weighting system to include additional groups of students not currently weighted, including low income or poverty weighting, gifted and talented programs; special needs; and a base weight. Sponsor: Sen. Rose.

1.88. (SDE: Index of Taxpaying Ability Study Committee) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of property tax measures on the calculation.

The committee shall also determine how to best provide for the state's portion of education funding to flow down to the schools and shall examine all state and local sources of funding K-12 education. The committee shall study a weighted pupil formula or any other formula the committee finds appropriate. The committee shall consider the following specific questions, but may consider other questions it finds appropriate in order to achieve its purpose:

(1) how to reform funding for educational programs in South Carolina, mainly in the seventy-four funding categoricals in the Education Finance Act , in an effort to see that more educational dollars make it to the schools;

(2) how to provide for flexibility in spending these dollars;

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(3) how to emphasize allowing school principals budgetary input for spending in the areas where principals see need, thus matching funds to students' needs;

(4) how to provide for the state's educators' use of state funding in ways that produce the best results for students; and

(5) how to expend the Education Finance Act's weighting system to include additional groups of students not currently weighted, including:

(a) low income or poverty weightings;

(b) gifted and talented program children;

(c) special needs children; and

(d) a base weight for all children.

The committee shall be composed of fourteen members, which shall be appointed as follows:

(1) four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees must possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Budget and Control Board Office of Research and Statistics as well as members of the business and education communities;

(2) one member of the Senate appointed by the Senate President Pro Tempore; one member of the Senate appointed by the Senate Majority Leader; and one member of the Senate appointed by the Senate Minority Leader; and

(3) three members of the House appointed by the Speaker of the House of Representatives, one of which must be a member of the minority caucus.

The members shall elect a chairman at the first meeting of the committee.

No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

HOU2: AMEND FURTHER to delete the requirement that the committee also determine the best method to flow down the state's portion of education funding to schools; to examine all state and local sources of K-12 education funding; to study a weighted pupil formula or any other formula they find appropriate; and to consider certain specific questions. AMEND FURTHER to direct the committee to also examine how funds should be distributed to school districts that receive less than 40% of state support as computed by Section 59-20-40(1) [EFA DETERMINATION OF ANNUAL ALLOCATIONS] and to consider whether the amount each district receives should be determined according to the number of weighted students, adjusted for student attendance. Sponsor: Rep. Cooper.

1.88. (SDE: Index of Taxpaying Ability Study Committee) From the funds appropriated or authorized for the Department of Education, there is created the Index of Taxpaying Ability Study Committee. The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of property tax measures on the calculation.

The committee shall also examine how funds should be distributed to school districts that receive less than forty percent of state support as computed in Section 59-20-40(1) of the 1976

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Code, taking into consideration whether each district's amount should be determined in accordance with the district's number of weighted students, subject to adjustment for student attendance.

The committee shall be composed of fourteen members, which shall be appointed as follows:

(1)four members appointed by the President Pro Tempore of the Senate, and four members appointed by the Speaker of the House of Representatives. Appointees must possess experience in business, school district finance, or economics, and must include representatives from the Department of Education, the Department of Revenue, and the Budget and Control Board Office of Research and Statistics as well as members of the business and education communities;

(2)one member of the Senate appointed by the Senate President Pro Tempore; one member of the Senate appointed by the Senate Majority Leader; and one member of the Senate appointed by the Senate Minority Leader; and

(3)three members of the House appointed by the Speaker of the House of Representatives, one of which must be a member of the minority caucus.

The members shall elect a chairman at the first meeting of the committee.

No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

- 1.92** **AMEND NEW PROVISO** (Teaching Requirement for Certified School Employees) **SEN:** ADD new proviso to require the following certified school district employees to teach at least two classes per week within their school district: public school teachers, special school classroom teachers, media specialists, guidance counselors, full-time athletic directors, principals, assistance principals, and school district administrators. Sponsor: Sen. Reese.

1.92. (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistance principals, and certified school district administrators that are employed by a school district must teach at least two classes per week within the school district they are employed.

HOU2: AMEND new proviso to direct that the employees “should” teach two days “if practicable.” rather than to require it. Sponsor: Rep. Cooper.

1.92. (SDE: Teaching Requirement for Certified School Employees) From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full-time athletic directors, certified principals, certified assistance principals, and certified school district administrators that are employed by a school district should, if practicable, teach at least two classes per week within the school district they are employed.

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SECTION 1A - H63 - DEPARTMENT OF EDUCATION-EIA

- 1A.45 AMEND NEW PROVISO** (Education Oversight Committee Transfer) **HOU:** ADD new proviso to direct the EOC to transfer \$250,000 to Teacher Supplies. Sponsors: Reps. Owens, Cooper, and J.R. Smith.
SFC: ADOPT new proviso.
SEN: ADOPT new proviso.

1A.45. (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year 2010-11 the Education Oversight Committee is directed to transfer \$250,000 to Teacher Supplies.

HOU2: AMEND new proviso to require the EOC to transfer EOC 4-Year Old Evaluation funds to the Office of First Steps to be used only in the CDEPP program. Sponsor: Rep. Cooper.

1A.45. (SDE-EIA: Education Oversight Committee Transfer) For Fiscal Year 2010-11 the Education Oversight Committee is directed to transfer \$250,000 to Teacher Supplies. The Education Oversight Committee is further directed to transfer the funds for the EOC 4 Year Old Evaluation to the Office of First Steps only for use in the CDEPP program.

- 1A.48 ADD** (First Steps-CDEPP Program) **HOU2:** ADD new proviso to require First Steps to only use the funds transferred from the EOC to serve students in the CDEPP program and to report to the Chairmen of the Senate Finance and Ways and Means Committees by January 10, 2011, the number of students served. Sponsor: Rep. Cooper.

1A.48. (SDE-EIA: First Steps-CDEPP Program) For Fiscal Year 2010-11 the Office of First Steps is directed to utilize the funds transferred from the Education Oversight Committee only to serve students in the CDEPP program and shall report the number of students served to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2011.

- 1A.49 ADD** (Child Development Education Pilot Program) **HOU2:** ADD new proviso to establish the South Carolina Child Development Pilot Program (CDEPP); direct that the program be available on a voluntary basis for the 2010-11 school year; direct that the program focus on developmental and learning support that children must have to be ready for school and to incorporate parenting education. Direct that pilot program first provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District and then to eligible children in school districts with a poverty index of 90% or greater. Authorize unexpended funds to be carried forward and remain in the program. Direct that the funded cost per child is \$4,218 increased annually by the rate of inflation. *Moved from 1.61 and amended.* Sponsor: Rep. Cooper.

1A.49. (SDE-EIA: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the 2010-11 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

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(A) For the 2010-11 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

If by October 1 of the school year at least 75% of the total number of eligible CDEPP children in a district or county are projected to be enrolled in CDEPP, Head Start or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEPP providers may then enroll pay-lunch children who score at or below the 25th national percentile on two of the three DIAL-3 subscales and may receive reimbursement for these children if funds are available.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First

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Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program

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must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits

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providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the 2010-11 school year, the funded cost per child shall be \$4,218 increased annually by the rate of inflation as determined by the Division of Research

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and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

(L) Pursuant to this provision, the Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this provision.

(M) The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers.

SECTION 2 - H66-LOTTERY EXPENDITURE ACCOUNT

2.6 AMEND NEW PROVISO FURTHER (FY 10-11 Lottery Funding) **WMC:** ADD new proviso to direct expenditure of lottery funds as certified by the BEA for FY 10-11. Direct that lottery funds must be used to supplement and not supplant existing education funds. Direct the B&C Board to prepare lottery expenditure account detail to reflect lottery appropriations. Direct that all lottery revenue, including interest earnings, be carried forward and used to support specified appropriations. Direct FY 10-11 lottery appropriations as follows: \$47,000,000 to CHE for Tuition Assistance Two-Year Institutions; \$85,356,682 to CHE for LIFE Scholarships; \$7,823,474 to CHE for HOPE Scholarships; \$30,277,240 to CHE for Palmetto Fellows Scholarships; \$11,631,566 to CHE for Need-Based Grants; \$7,766,604 to Tuition Grants Commission for Tuition Grants; \$1,700,000 to CHE for the National Guard Tuition Repayment Program; \$2,500,000 to SC State University; \$3,852,636 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; \$41,891,798 to Dept. of Education for K-5 Reading, Math, Science & Social Studies programs; \$2,000,000 to Dept. of Education for Grades 6-8 Reading, Math, Science, & Social Studies programs; and \$4,700,000 to CHE for Higher Education Excellence Enhancement Program. Direct that FY 10-11 Tuition Assistance funds must be distributed to technical colleges & two-year institutions as provided in Section 59-150-360. Direct that \$250,000 of the funds appropriated to SC State be used for the BRIDGE program. Suspend, for the current fiscal year, the provisions of Section 2-75-30 regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment. Authorize CHE to temporarily transfer funds between line items to ensure timely receipt of scholarships and tuition assistance. State the goal of the General Assembly to fund the Tuition Assistance program at a level to support at least \$996 per student per term for full-time students. Direct that net lottery proceeds and investment earnings in excess of certified net lottery proceeds and investment earnings are appropriated and must be used to ensure that LIFE, Palmetto Fellows, and HOPE scholarships are fully funded for FY 10-11. Direct that if lottery revenue for FY 10-11 is less than the amounts appropriated, the

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appropriations in this provision are reduced on a pro rata basis except that LIFE, HOPE, and Palmetto Fellows Scholarships shall not be reduced. Authorize CHE to use up to \$260,000 of LIFE, HOPE, and Palmetto Fellow Scholarship funds to provide the necessary level of program support the award process. Direct that \$8,400,000 of certified unclaimed prize money is appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies programs and \$2,677,271 for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. Direct that allocations designated in Section 59-150-230(I) [UNCLAIMED PRIZES] are suspended for the current fiscal year. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$200,000 be directed to the School for the Deaf and the Blind for Technology Replacement; the next \$4,000,000 be directed to the State Board for Tec and Comp Ed for the Allied Health Initiative; the next \$5,470,093 be directed for Technology for Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; and the next \$1,000,000 be directed to CHE for the Critical Needs Nursing Initiative Fund - Simulation Technology and Equipment. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for Need-Based Grants. Authorize the B&C Board to distribute lottery funds on a monthly basis during the final quarter of the fiscal year. Fiscal Impact: \$254,900,000 of lottery funds as certified by the BEA.

HOU: AMEND new proviso to direct that after the first \$2,000,000 of additional revenue in excess of the amount certified by the BEA for unclaimed prizes is distributed, the next \$1,000,000 is to be directed to the CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. Sponsor: Rep. Limehouse.

SFC: AMEND new proviso further to change LIFE Scholarships to "\$87,370,916;" change Technology--Public 4 Year Universities, 2 Year Institutions, and State Technical Colleges to "\$4,154,702;" change CHE Higher Education Excellence Enhancement Program to "\$3,000,000;" and provide \$200,000 to School for the Deaf and Blind for Technology Replacement. Direct that of any unclaimed prize funds in excess of the amount certified by the BEA the first \$7,618,477 be directed to CHE for LIFE, HOPE, and Palmetto Fellows Scholarships; the next \$100,000 be directed to DAODAS for Prevention/Treatment of Gambling Disorders; the next \$2,000,000 be directed to the State Library for Aid to County Libraries; the next \$1,500,000 be directed to CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$1,000,000 be directed to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 be directed to the State Board for Tec and Comp Ed for the Allied Health Initiative; the next \$5,470,093 be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; and the next \$1,000,000 be directed to CHE for Critical Needs Nursing. Direct that additional revenue in excess of the amount certified by the BEA for unclaimed prizes be distributed to CHE for LIFE, HOPE, and Palmetto Fellows Scholarships.

SEN: ADOPT new proviso as amended.

2.6. (LEA: FY 10-11 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

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All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education--Tuition Assistance
Two-Year Institutions..... \$ 47,000,000;
- (2) Commission on Higher Education--LIFE Scholarships
as provided in Chapter 149 of Title 59 \$ 87,370,916;
- (3) Commission on Higher Education--HOPE Scholarships
as provided in Section 59-150-370 \$ 7,823,474;
- (4) Commission on Higher Education--Palmetto Fellows
Scholarships as provided in Section 59-104-20..... \$ 30,277,240;
- (5) Commission on Higher Education--Need-Based Grants \$ 11,631,566;
- (6) Tuitions Grants Commission--Tuition Grants \$ 7,766,604;
- (7) Commission on Higher Education--National Guard Tuition
Repayment Program as provided in Section 59-111-75 \$ 1,700,000;
- (8) South Carolina State University..... \$ 2,500,000;
- (9) Technology--Public 4-Year Universities, 2-Year Institutions,
and State Technical Colleges \$ 4,154,702;
- (10) Department of Education--K-5 Reading, Math, Science &
Social Studies Program as provided in Section 59-1-525..... \$ 41,891,798;
- (11) Department of Education--Grades 6-8 Reading, Math,
Science & Social Studies Program \$ 2,000,000;
- (12) Commission on Higher Education--Higher Education
Excellence Enhancement Program \$ 3,000,000 and.
- (13) School for the Deaf and the Blind--Technology Replacement \$ 200,000.

Fiscal Year 2010-11 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2010-11 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2010-11 are fully funded.

If the lottery revenue received for Fiscal Year 2010-11 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

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For Fiscal Year 2010-11, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next \$100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

HOU2: AMEND FURTHER to change the order in which excess unclaimed prizes funds are to be distributed: The first \$7,618,477 to CHE for LIFE, HOPE, and Palmetto Fellows Scholarships; the next \$1,500,000 CHE for the Partnership Among South Carolina Academic Libraries (PASCAL) Program; the next \$5,470,093 for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges; the next \$2,000,000 to the State Library for Aid to County Libraries; the next \$1,000,000 to CHE for the Higher Education Excellence Enhancement Program; the next \$4,000,000 to State Board for Tec and Comp Ed for the Allied Health Initiative; the next \$1,000,000 to CHE for Critical Needs Nursing; and the next \$100,000 to DAODAS for Prevention/Treatment of Gambling Disorders with all additional revenue to CHE for LIFE, HOPE, and Palmetto Fellows Scholarships. Sponsor: Rep. Cooper.

2.6. (LEA: FY 10-11 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

(1) Commission on Higher Education--Tuition Assistance
Two-Year Institutions..... \$ 47,000,000;

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(2)	<u>Commission on Higher Education--LIFE Scholarships as provided in Chapter 149 of Title 59.....</u>	<u>\$ 87,370,916;</u>
(3)	<u>Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370.....</u>	<u>\$ 7,823,474;</u>
(4)	<u>Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20.....</u>	<u>\$ 30,277,240;</u>
(5)	<u>Commission on Higher Education--Need-Based Grants</u>	<u>\$ 11,631,566;</u>
(6)	<u>Tuitions Grants Commission--Tuition Grants</u>	<u>\$ 7,766,604;</u>
(7)	<u>Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75.....</u>	<u>\$ 1,700,000;</u>
(8)	<u>South Carolina State University.....</u>	<u>\$ 2,500,000;</u>
(9)	<u>Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges.....</u>	<u>\$ 4,154,702;</u>
(10)	<u>Department of Education--K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525.....</u>	<u>\$ 41,891,798;</u>
(11)	<u>Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program</u>	<u>\$ 2,000,000;</u>
(12)	<u>Commission on Higher Education--Higher Education Excellence Enhancement Program</u>	<u>\$ 3,000,000; and.</u>
(13)	<u>School for the Deaf and the Blind--Technology Replacement.....</u>	<u>\$ 200,000.</u>

Fiscal Year 2010-11 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

Of the funds appropriated to South Carolina State University, \$250,000 may be used for the BRIDGE Program.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2010-11 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2010-11 are fully funded.

If the lottery revenue received for Fiscal Year 2010-11 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

For Fiscal Year 2010-11, \$8,400,000 certified from unclaimed prizes shall be appropriated as follows: \$5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and \$2,677,271 for Technology:

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Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year.

Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first \$7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next \$1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next \$5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next \$2,000,000 shall be directed to the State Library for Aid to County Libraries. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next \$4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next \$1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. The next \$100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

SECTION 6 - H03-COMMISSION ON HIGHER EDUCATION

- 6.28 DELETE NEW PROVISO** (Tuition and Fees) **SEN:** ADD new proviso to require any institution of higher learning that changes the tuition or fees imposed on students to issue a public report, by 30 days after the change, that includes the identity of the trustees that voted for and against the change. Sponsor: Sen. Rose.

6.28. (CHE: Tuition and Fees) From the funds appropriated or authorized to each institution of higher learning, and for Fiscal Year 2010-11, any institution of higher learning that adopts a change to the tuition or fees imposed on students, must issue a public report, no later than thirty days after the change, that includes the identity of the trustees voting for and against the change.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

6.28. (CHE: Tuition and Fees) DELETED

- 6.29 DELETE NEW PROVISO** (Law Study) **SEN:** ADD new proviso to create a study committee to examine the USC School of Law governance model. Direct the committee to study the model and other public law school models, including the University of Virginia School of Law. Direct the committee to study the feasibility of creating a Board of Trustees and a Foundation for the law school. Direct the committee to study the law school's financial condition and academic standing. Direct that the study be completed and its findings and recommendations reported by June 30, 2011 to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Direct that the committee be composed of 11 members appointed as follows: 2 by the Governor, 2 by the Chief Justice of the Supreme Court, 2 by the President Pro Tempore of the Senate, 2 by the Speaker of the House, 1 by the USC President, and 1 by the Dean of the USC School of Law. Direct that the Chief Justice of

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the Supreme Court shall be the final member who shall serve as chairman. Direct that CHE staff the committee. Sponsor: Senator Massey.

6.29. (CHE: Law Study) From the funds appropriated to the Commission on Higher Education, for Fiscal Year 2010-11, there is created a study committee to examine the governance model of the University of South Carolina School of Law. The committee shall study the law school's governance model and the models of other public law schools, including the University of Virginia School of Law. The committee shall also study the feasibility of creating a Board of Trustees and a Foundation for the law school. The committee shall also study the law school's financial condition and its academic standing. No later than June 30, 2011, the committee shall complete its study and report its findings and recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

The committee shall be comprised of 11 members. Of the 11 members: 2 shall be appointed by the Governor, 2 members shall be appointed by the Chief Justice of the South Carolina Supreme Court, 2 shall be appointed by the President Pro Tempore of the Senate, 2 shall be appointed by the Speaker of the House of Representatives, 1 member appointed by the President of the University of South Carolina, and 1 member appointed by the Dean of the University of South Carolina School of Law. The final member shall be the Chief Justice of the South Carolina Supreme Court who shall serve as chairman. The committee shall be staffed by the Commission on Higher Education.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

6.29. (CHE: Law Study) **DELETED**

6.30 **DELETE NEW PROVISO** (Transaction Register) **SEN:** ADD new proviso require each public institution of higher learning to post their annual and periodic financial statements on their website. Direct that each institution shall be responsible for providing on its website a link to the website of any agency that posts the institution's monthly state procurement card statements or monthly reports that contain all or substantially all of the same information contained in the monthly state procurement card statements. Require that the link be to the specific webpage or section where the procurement card information can be found. Prohibit the state procurement card number from being posted. Direct that any information that is expressly prohibited from public disclosure by federal or state law or regulation be removed from any posting required by this provision. Sponsor: Sen. Rose.

6.30. (CHE: Transaction Register) For Fiscal Year 2010-11, each public institution of higher learning shall post on its website the institution's annual and periodic financial statements.

Each public institution of higher learning shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual institution, that posts on its Internet website the institution's monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.

Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

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HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

6.30. *(CHE: Transaction Register)* **DELETED**

SECTION 15 - H45-UNIVERSITY OF SOUTH CAROLINA

15.6 **ADD** (Board Member Designee) **HOU2:** ADD new proviso to authorize the President of the Greater University of South Carolina Alumni Association to appoint a designee to serve in his stead on the USC Board of Trustees. Sponsor: Rep. Cooper.

15.6. *(USC: Board Member Designee) For Fiscal Year 2010-11, the President of the Greater University of South Carolina Alumni Association may appoint a designee to serve in his stead on the University of South Carolina Board of Trustees.*

SECTION 21 - J02-DEPARTMENT OF HEALTH AND HUMAN SERVICES

21.25 **AMEND FURTHER** (State Children's Health Insurance Program) Directs the department to establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) to expand eligibility for children up to 200% of the prevailing federal poverty level. Directs that all other Medicaid eligibility criteria shall apply and that for these purposes a "child" is considered to be under 19 years of age. Directs that the plan operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. Directs that program implementation is contingent on availability of Federal funding. Authorizes the department to limit the number of enrollees, close enrollment, or establish a waiting list as necessary in order to not exceed available state appropriations. Prohibits any premium or cost sharing requirement and states that enrollment will begin no sooner than October 1, 2007.

WMC: AMEND proviso to delete reference to enrollment beginning no sooner than October 1, 2007. Direct that enrollment shall be closed to new participants effective July, 1, 2010. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: AMEND FURTHER to delete the directive that enrollment be closed to new participants effective July 1, 2010 and instead direct the department to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if the department demonstrates a cost savings without a reduction of services.

SEN: ADOPT proviso as amended.

21.25. (DHHS: State Children's Health Insurance Program) The Department of Health and Human Services shall establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) for the purpose of expanding eligibility for children up to two hundred percent (200%) of the prevailing federal poverty level. All other Medicaid eligibility criteria shall apply. For these purposes, a child is considered to be an individual under the age of nineteen. This plan shall operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. The program shall be modeled on private insurance and the benefits package must be substantially equal to the benefits provided by: (1) Federal Employee Health Benefits Program Standard Option; or, (2) a plan offered to state employees; or, (3) a plan offered by an HMO with the largest commercial enrollment in the state; or, (4) a plan approved by the Secretary of the Federal Department of Health & Human Services. The private benefit plan must include dental and

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visual benefits substantially equal to those benefits currently offered to existing beneficiaries under the Medicaid program. Implementation of this program is contingent upon the availability of Federal funding appropriated for this purpose. The department shall be authorized to limit the number of enrollees, close enrollment, or establish a waiting list as necessary so as not to exceed available state appropriations. No cost sharing provision shall be applied. ~~Enrollment will begin no sooner than October 1, 2007.~~ The department is directed to convert the stand-alone plan to the standard SCHIP Medicaid program using the same income limits if the department demonstrates a cost savings without a reduction of the services offered.

HOU2: AMEND FURTHER to reinsert the deletion of the reference to enrollment beginning no sooner than October 1, 2007. Direct that enrollment shall be closed to new participants effective July, 1, 2010. Sponsor: Rep. Cooper.

21.25. (DHHS: State Children's Health Insurance Program) The Department of Health and Human Services shall establish a separate, stand-alone plan under the authority of the State Children's Health Insurance Program (SCHIP) for the purpose of expanding eligibility for children up to two hundred percent (200%) of the prevailing federal poverty level. All other Medicaid eligibility criteria shall apply. For these purposes, a child is considered to be an individual under the age of nineteen. This plan shall operate as a combination program complementing existing Medicaid and Medicaid SCHIP expansion programs. The program shall be modeled on private insurance and the benefits package must be substantially equal to the benefits provided by: (1) Federal Employee Health Benefits Program Standard Option; or, (2) a plan offered to state employees; or, (3) a plan offered by an HMO with the largest commercial enrollment in the state; or, (4) a plan approved by the Secretary of the Federal Department of Health & Human Services. The private benefit plan must include dental and visual benefits substantially equal to those benefits currently offered to existing beneficiaries under the Medicaid program. Implementation of this program is contingent upon the availability of Federal funding appropriated for this purpose. The department shall be authorized to limit the number of enrollees, close enrollment, or establish a waiting list as necessary so as not to exceed available state appropriations. No cost sharing provision shall be applied. ~~Enrollment will begin no sooner than October 1, 2007.~~ Effective July 1, 2010, enrollment shall be closed to new participants.

- 21.43 REINSERT NEW PROVISO (GAPS) WMC:** ADD new proviso to suspend, for FY 2010-11, the requirements of Sections 44-6-610-660 [GAP ASSISTANCE PHARMACY PROGRAM FOR SENIORS ACT]. Fiscal Impact: No impact on the General Fund. The department indicates the suspension should generate a savings of \$2,915,469 of funds available to the agency.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of new proviso.

21.43. (DHHS: GAPS) DELETED

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

21.43. (DHHS: GAPS) The requirements of Title 44, Chapter 6-610 through Chapter 6-660 shall be suspended for Fiscal Year 2010-11.

- 21.44 DELETE NEW PROVISO (Rural Hospital Grants) SFC:** ADD new proviso to direct that Rural Hospital Grants funds be allocated to public hospitals in very rural or rural areas whose

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largest town is less than 25,000 and whose licensed bed capacity does not exceed 200 beds. Direct hospitals that qualify for the grants to use the funds for any of the following purposes: a) development of preventive health programs, medical homes, and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc; and f) activities to insure compliance with state or federal regulations.

SEN: ADOPT new proviso.

21.44. (Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed 200 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal regulations.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

21.44. (DHHS: Rural Hospital Grants) DELETED

21.46 **DELETE NEW PROVISO** (Medicaid Pooling Initiative) **SEN:** ADD new proviso to direct the department's Medicaid Pharmacy and Therapeutics Committee to conduct a cost benefit analysis of the National Medicaid Pooling Initiative and the state's participation in the initiative. Direct that the analysis include a review of all other Centers for Medicare and Medicaid Services approved multi-state Medicaid drug purchasing pools in order to compare the initiative to other available plans to identify the initiative that provides the maximum savings for the state. Direct that a report be provided to the Chairmen of the Senate Finance and House Ways and Means Committee by January 14, 2011. Sponsor: Sen. Elliott.

21.46. (DHHS: Medicaid Pooling Initiative) The Department of Health and Human Services' Medicaid Pharmacy and Therapeutics Committee shall conduct a cost-benefit analysis of the National Medicaid Pooling Initiative (NMPI) and the state's participation in the NMPI. The analysis shall include a review of all other multi-state Medicaid drug purchasing pools that have been approved by the Centers for Medicare and Medicaid Services to compare the NMPI to other available plans to identify the initiative that provides the greatest opportunity to achieve maximum savings for the state. The department shall provide a report on the results of the analysis to the Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee no later than January 14, 2011.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

21.46. (DHHS: Medicaid Pooling Initiative) DELETED

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SECTION 22 - J04-DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

22.39 REINSERT (Beach Renourishment Carry Forward-OCRM) Authorizes the department to use up to \$240,000 of the beach renourishment funds carried forward from the prior fiscal year to reduce the impact of budget reductions to OCRM.

SEN: DELETE proviso. Ruled Out of Order on a point of order brought by Senator Davis.

22.39. (DHEC: Beach Renourishment Carry Forward) ~~Of the funds carried forward by the department for beach renourishment, the department is authorized to utilize up to \$240,000 to reduce the impact of budget reductions to the Office of Ocean and Coastal Resource Management.~~

HOU2: REINSERT original proviso. Sponsor: Rep. Cooper.

22.39. (DHEC: Beach Renourishment Carry Forward-OCRM) Of the funds carried forward by the department for beach renourishment, the department is authorized to utilize up to \$240,000 to reduce the impact of budget reductions to the Office of Ocean and Coastal Resource Management.

22.41 RESTORE ORIGINAL PROVISO (Rural Hospital Grants) Directs that Rural Hospital Grants funds be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Direct hospitals that qualify for the grants to use the funds for any of the following purposes: a) development of preventive health programs, medical homes, and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc; and f) activities to insure compliance with state or federal regulations.

SFC: AMEND proviso to delete the funds allocation criteria for a public hospital that is a hospital district and who is accredited by the Jt. Commission on Health Care Organizations or who is a Critical Access Hospital. Change the maximum licensed bed capacity from 150 to 200.

SEN: ADOPT proviso as amended.

22.41. (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 ~~or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital,~~ and whose licensed bed capacity does not exceed ~~150~~ 200 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal regulations.

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HOU2: RESTORE original proviso. Sponsor: Rep. Cooper.

22.41. (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural areas whose largest town is less than 25,000 or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal regulations.

- 22.43 REINSERT NEW PROVISO** (Certificate of Need) **WMC:** ADD new proviso to direct that a Certificate of Need awarded by the department is valid for one year. Authorize the department to grant two extensions of up to nine months each if there is evidence that substantial progress has been made. Authorize the DHEC board to grant further extension of up to nine months each only if it determines that substantial progress has been made. *Increases the time for CON implementation from six months to one year and increases extensions from six to nine months. Staffing has been reduced due to budget reductions and this increased time frame will help with workloads.* Fiscal Impact: The department states this will potentially allow the deferral of hiring additional staff to review CONs in order to meet mandated deadlines, since staff currently devoted to processing extension requests may be redirected to CON application review. Requested by: Department of Health and Environmental Control.
HOU: ADOPT new proviso.
SFC: DELETE new proviso.
SEN: ADOPT deletion of proviso.

22.43. *(DHEC: Certificate of Need)* **DELETED**

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

22.43. *(DHEC: Certificate of Need) A Certificate of Need, awarded by the department, is valid for one year from the date of issuance. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. The board may grant further extension of up to nine months each only if it determines that substantial progress has been made in accordance with the procedures set forth in regulations.*

- 22.46 REINSERT NEW PROVISO** (Beach Renourishment Carry Forward) **WMC:** ADD new proviso to authorize DHEC to use \$2,500,000 of the funds carried forward from beach renourishment to fund coastal renourishment, navigation, and public access improvement projects. Authorize DHEC to use the remaining carry forward balance to reduce the impact of budget reductions. Fiscal Impact: No impact on the General Fund.
HOU: ADOPT new proviso.
SFC: AMEND new proviso to specify that the unexpended funds be used to reduce the impact of budget reductions on the Community Residential Care Facilities inspection program.
SEN: DELETE proviso. Ruled Out of Order on a point of order brought by Senator Campsen.

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22.46. (DHEC: Beach Renourishment Carry Forward) DELETED

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

22.46. (DHEC: Beach Renourishment Carry Forward) *Of the funds carried forward for beach renourishment, the department is authorized to restrict \$2,500,000 for state funding of coastal renourishment, navigation, and public access improvement projects. The department is further authorized to expend the remaining carry forward balance to reduce the impact of budget reductions.*

- 22.47 ADD (Budgetary Flexibility) HOU2:** ADD new proviso to direct that if Part IV funds are not realized, DHEC, in order to provide maximum flexibility to absorb general fund budget reductions in this act as compared to the prior fiscal year general fund appropriations, is authorized to spend up to 25% of the funds from each account that is available to the department, except for federal funds, in order to maintain critical programs that were previously funded with general funds. Require prior Office of State Budget spending authorization approval and direct that this authorization must be reported to the Governor and Senate Finance and Ways and Means Committees. Sponsor: Rep. Cooper.

22.47. (DHEC: Budgetary Flexibility) *In the event funds from Part IV are not realized, in order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, the Department of Health and Environmental Control is authorized for FY 2010-11 to expend up to 25% of the funds from each account available to the agency, except for federal funds, to maintain critical programs previously funded with general fund appropriations. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee.*

- 22.48 ADD (Critical Area Permits) HOU2:** ADD new proviso to direct that notwithstanding Section 44-1-60(E) [APPEALS FROM DEPARTMENT DECISIONS GIVING RISE TO CONTESTED CASE; PROCEDURES], when the department issues a decision to grant a critical area permit in accordance with Section 44-1-60(D), if there are no adverse public comments to the permit application, the decision of the department becomes the final decision on the date the decision is rendered and the permit is deemed to be issued as of that date. Sponsors: Reps. Hutto and Merrill.

22.48. (DHEC: Critical Area Permits) *Notwithstanding Section 44-1-60(E), when the department issues a decision to grant a critical area permit, in accordance with Section 44-1-60(D), and there are no public comments adverse to the permit application, the department decision becomes the final agency decision on the date the department decision is rendered and the permit is deemed to be issued as of that date.*

SECTION 26 - L04-DEPARTMENT OF SOCIAL SERVICES

- 26.28 ADD (Parenting and Pregnancy Services to Single Mothers) HOU2:** ADD new proviso to direct the department to continue to fund the centers that had a contract in the prior fiscal year to provide parenting and pregnancy services to single mothers and direct that the funding be at the July 1, 2009 funding level. Sponsor: Rep. Cooper.

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26.28. (DSS: Parenting and Pregnancy Services to Single Mothers) The department shall continue to fund those centers in South Carolina that provide parenting and pregnancy services to single mothers with whom the department had a contract in the prior fiscal year and funding shall be at the July 1, 2009 funding levels.

SECTION 37 - P24-DEPARTMENT OF NATURAL RESOURCES

- 37.14 DELETE NEW PROVISO** (Watercraft Title and Registration Fees Surcharge) **SFC:** ADD new proviso to authorize DNR, for FY 10-11, to charge a \$5 administrative surcharge on each watercraft and outboard motor title, title transfer, and duplicate title and on each watercraft registration, watercraft registration transfer, and duplicate registration document. Require the revenue collected to be deposited into the Drew's Law/Boat Titling Fund and direct that 40% be used for law enforcement operations and the balance used for administering Title 50. Prohibit funds generated from this surcharge from being used to provide pay increases. Authorize unexpended funds to be retained, carried forward, and used for the same purposes. **SEN:** ADOPT new proviso.

37.14. (DNR: Watercraft Title and Registration Fees Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to charge a five dollar administrative surcharge on each watercraft and outboard motor title, title transfer and duplicate title, and on each watercraft registration, watercraft registration transfer, and duplicate registration document. The revenue collected must be deposited into the Drew's Law/Boat Titling Fund of which forty percent must be utilized for law enforcement operations and the balance utilized for administration of the provisions of Title 50. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purposes.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

37.14. (DNR: Watercraft Title and Registration Fees Surcharge) DELETED

- 37.15 DELETE NEW PROVISO** (Hunting and Fishing License Surcharge) **SFC:** ADD new proviso to authorize DNR, for FY 10-11, to impose a \$2 administrative surcharge on each license, permit, stamp, and tag issued for hunting and fishing activities. Prohibit the surcharge from being imposed if no fee is charged. Require the revenue collected to be deposited into the Wildlife Protection Fund and be spent for purposes of the Fish and Wildlife Protection Funds as defined in statute. Prohibit funds generated from this surcharge from being used to provide pay increases. Authorize unexpended funds to be retained, carried forward, and used for the same purposes. **SEN:** ADOPT new proviso.

37.15. (DNR: Hunting and Fishing License Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to impose a two dollar administrative surcharge on each license, permit, stamp, and tag issued to engage in any hunting or fishing activity. The surcharge shall not apply where no fee is charged. The revenue collected must be deposited into the Fish & Wildlife Protection Fund and be expended for the purposes of the Fish and Wildlife Protection Fund as defined in statute. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended funds must be

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retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

37.15. (DNR: Hunting and Fishing License Surcharge) DELETED

SECTION 39 - P28-DEPARTMENT OF PARKS, RECREATION AND TOURISM

39.15 ADD (Additional Motion Picture Bonus Rebate) **HOU2:** ADD new proviso to authorize the Film Commission, in addition to the 15% rebate authorized by Section 12-62-50 [TAX REBATE FOR EMPLOYMENT OF PERSONS SUBJECT TO SOUTH CAROLINA INCOME TAX WITHHOLDINGS], to provide an additional bonus-rebate to a motion picture production company of up to 5% of the total aggregate South Carolina payroll for persons employed in connection with the production who are subject to SC income tax withholdings and authorize; and in addition to the 15% rebate authorized by Section 12-62-60 [DISTRIBUTION OF ADMISSIONS TAXES; REBATES TO MOTION PICTURE PRODUCTION COMPANIES; PROMOTION OF COLLABORATIVE EFFORTS BETWEEN INSTITUTIONS OF HIGHER LEARNING AND MOTION PICTURE RELATED ENTITIES], authorize the Film Commission to provide an additional bonus-rebate to a motion picture production company of up to 15% of the expenditures made by the motion picture production company in the State. Sponsor: Rep. Cooper.

39.15. (PRT: Additional Motion Picture Bonus-Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12-62-50, the South Carolina Film Commission may provide an additional Bonus-rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12-62-60, the South Carolina Film Commission may provide an additional bonus-rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

SECTION 40 - P32-DEPARTMENT OF COMMERCE

40.24 ADD (Regional Economic Development Organizations Carry Forward) **HOU2:** ADD new proviso to direct that unexpended Regional Economic Development Organizations funds transferred to the Department of Commerce by Part III of Act 23 of 2009 shall be carried forward and used for the same purposes as originally intended. Sponsor: Rep. Cooper.

40.24. (CMRC: Regional Economic Development Organizations Carry Forward) Any unexpended funds transferred to the Department of Commerce for Regional Economic Development Organizations by Part III of Act 23 of 2009 shall be carried forward from the prior fiscal year into the current fiscal year and used for the same purposes as originally intended.

SECTION 44 - B04-JUDICIAL DEPARTMENT

44.18 DELETE NEW PROVISIO (Deposition Fee) **SEN:** ADD new proviso to direct that a \$50 fee is assessed for every deposition conducted as part of a Family or Circuit Court proceeding. Require the attorney who initiated the deposition to file notice of the deposition with the county

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clerk of court where the proceeding is pending and pay the filing fee with the notice within 10 days after taking the deposition. Require the revenue from this fee be collected by the clerk of court in each county, be remitted to the State Treasurer, and be credited to a separate judicial department support fund to be used exclusively by the Judicial Department for court administration. Sponsor: Sen. Malloy.

44.18. (JUD: Deposition Fee) For the current fiscal year, there is assessed a fee of fifty dollars for every deposition conducted as part of any proceeding in a Family Court or Circuit Court in this State. No later than ten days after the taking of a deposition, the attorney who initiated a deposition must file notice of the deposition with the clerk of court in the county in which the proceeding is pending and pay the fee with the filing of the notice. The revenue from this fee must be collected by the clerk of court in each county and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the Judicial Department for court administration.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

44.18. (JUD: Deposition Fee) DELETED

SECTION 45 - E20-ATTORNEY GENERAL'S OFFICE

45.7 **ADD** (Litigation Recovery Account) **HOU2:** ADD new proviso to direct that when the Attorney General receives a recovery or award in any litigation they manage, the funds that would have been credited to the General Fund shall instead be deposited into a special Litigation Recovery Account created in the State Treasurer's Office and direct that these funds must only be spent as prescribed by law. Sponsor: Rep. Cooper.

45.7. (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited to the credit of a special account created in the State Treasurer's Office entitled "Litigation Recovery Account". The funds deposited in this account must be expended only as prescribed by law.

SECTION 46 - E21-PROSECUTION COORDINATION COMMISSION

46.6 **REINSERT/AMEND** (Solicitors Victim/Witness Assistance Programs) Directs that Solicitors Victim/Witness Assistance Programs funds be apportioned among the circuits on a per capita basis based on the 2000 census. Directs that payments be made as soon after the beginning of each quarter as practical.

WMC: AMEND proviso to specify that the funds are to be apportioned by this method "When funds are available." Fiscal Impact: No impact on the General Fund.

HOU: ADOPT proviso as amended.

SFC: DELETE proviso. Requested by Prosecution Coordination Commission.

SEN: ADOPT deletion of proviso.

~~**46.6.** (PCC: Solicitors Victim/Witness Assistance Programs) The amount appropriated and authorized in Part IA, Section 46 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.~~

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HOU2: REINSERT original House version of the proviso. Sponsor: Rep. Cooper.

46.6. (PCC: Solicitors Victim/Witness Assistance Programs) ~~The~~ When funds are available, the amount appropriated and authorized in Part IA, Section 46 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita basis and based upon the official census of 2000. Payment shall be made as soon after the beginning of each quarter as practical.

46.9 REINSERT NEW PROVISO (Violent Crime, CDV, DUI Prosecution) **WMC:** ADD new proviso to require the commission to retain violent crime, CDV and DUI prosecution information and data and provide information to the General Assembly in an annual report within 60 days after the end of the fiscal year on charges prosecuted by assistant solicitors. Require that the report include, unless privileged by law, information and statistics regarding location, number and type of violent crime, CDV, and DUI charges, number of cases prosecuted, and disposition of the cases. Fiscal Impact: No impact on the General Fund. Requested by Prosecution Coordination Commission.

HOU: ADOPT new proviso.

SFC: DELETE new proviso. Requested by Prosecution Coordination Commission.

SEN: ADOPT deletion of new proviso.

46.9. (PCC: Violent Crime, CDV, DUI Prosecution) **DELETED**

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

46.9. (PCC: Violent Crime, CDV, DUI Prosecution) The Prosecution Coordination Commission shall retain information and data on violent crime, criminal domestic violence, and driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors. If not privileged information by law, the report shall at a minimum include information and statistics regarding the location, the number and type of violent crime, criminal domestic violence, driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.

SECTION 51 - N04-DEPARTMENT OF CORRECTIONS

51.28 DELETE NEW PROVISO (LAC Recommendations) **SFC:** ADD new proviso to direct the department to report on the status of implementing the recommendations contained in the LAC's October 2009 Limited Scope Review of the Department of Corrections. Require that the report be provided to the Senate Corrections and Penology and the House 3M Committees by January 4, 2011. Requested by Special Subcommittee to Review the LAC's Report on the Department of Corrections.

SEN: ADOPT new proviso.

51.28. (CORR: LAC Recommendations) The Department of Corrections is directed to provide a report on the status of implementation of the recommendations contained in the Legislative Audit Council's October 2009 Limited-Scope Review of the Department of Corrections. The report must be provided by January 4, 2011, to the Senate Corrections and Penology Committee and the House of Representatives Medical, Military, Public and Municipal Affairs Committee.

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HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

51.28. (CORR: LAC Recommendations) DELETED

- 51.29 DELETE NEW PROVISIO (Legal Fees) SFC:** ADD new proviso to direct the department to submit a report to the Senate Finance and House Ways and Means Committees that details expenditure of all funds, including Insurance Reserve Fund expenditures or any prepaid legal account, that have been expended within the last four fiscal years for private lawyers to defend wrongful termination actions or other personnel matters brought against the department's employees or former employees. Require the report include, at a minimum, a detailed accounting of expenditures, to include names of parties to the lawsuits, cause(s) of action, date of alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of pending lawsuits, and outcome of order or judgment. Direct that the report be submitted by October 1 of the current fiscal year.
SEN: ADOPT new proviso.

51.29. (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department's employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October 1 of the current fiscal year.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

51.29. (CORR: Legal Fees) DELETED

SECTION 65 - R36-DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 65.14 ADD (Illegal Immigration Hotline Assistance) HOU2:** ADD new proviso to direct the department, upon the request of the Commission on Minority Affairs, to provide assistance to establish and maintain a 24 hour toll free telephone number and electronic website to receive, record, collect, and report allegations of federal or South Carolina immigration laws violations by or against any non-US citizen or immigrant. Direct that violations include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES], or any regulations that govern operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES-DEFINITIONS], violation of human trafficking laws, as defined in Section 16-3-930 [TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES; PENALTY; EXCEPTIONS], landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services. Sponsor: Rep. Cooper.

65.14. (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department of Labor, Licensing, and Regulation shall

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provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

SECTION 71 - C05-ADMINISTRATIVE LAW COURT

- 71.3 REINSERT/AMEND** (Fee Increase) Prohibits the Administrative Law Court, for FY 09-10, from charging or increasing filing fees beyond the amounts charged on January 1, 2009.
WMC: AMEND proviso to change "Fiscal Year 2009-2010" to "the current fiscal year."
Fiscal Impact: No impact on the General Fund.
HOU: ADOPT proviso as amended.
SFC: DELETE proviso.
SEN: ADOPT deletion of proviso.

71.3. (ALJ: Fee Increase) ~~For Fiscal Year 2009-2010, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.~~

HOU2: REINSERT original House version of proviso. Sponsor: Rep. Cooper.

71.3. (ALJ: Fee Increase) ~~For Fiscal Year 2009-2010~~ the current fiscal year, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009.

SECTION 79 - E28-ELECTION COMMISSION

- 79.1 DELETE** (County Registration Board and County Election Commission Compensation) Directs that \$1,500 for each County Registration Board Member & County Election Commissioner, not to exceed \$12,500 per county, be disbursed to the County Treasurer. Directs that any funds not used for compensation of these members be returned to the State Treasurer. Exempts these funds from mandated budget reductions and excludes these funds from the agency's base budget in calculating any across the board agency base reduction mandated by the B&C Board or the General Assembly.
WMC: DELETE proviso. Fiscal Impact: \$449,000 will no longer be disbursed to county board members and election commissioners.
HOU: ADOPT deletion of proviso.
SFC: REINSERT original proviso.
SEN: ADOPT original proviso.

79.1. (ELECT: County Registration Board and County Election Commission Compensation) The amounts appropriated in this section for "County Registration Board

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Members and County Election Commissioners,” shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency’s base budget.

HOU2: DELETE proviso. Sponsor: Rep. Cooper.

79.1. (ELECT: County Registration Board and County Election Commission Compensation) ~~The amounts appropriated in this section for “County Registration Board Members and County Election Commissioners,” shall be disbursed annually to the County Treasurer at the rate of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation of County Registration Board Members and County Election Commissioners. Any funds not used for this purpose shall be returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board agency base reductions mandated by the Budget and Control Board or the General Assembly, the amount of funds appropriated for compensation of County Registration Board Members and County Election Commissioners shall be excluded from the agency’s base budget.~~

SECTION 80A - F03-BUDGET AND CONTROL BOARD

80A.55 REINSERT NEW PROVISO (State Health Plan Obesity Treatment Pilot Program) **WMC:** ADD new proviso to direct the board, when they establish the 2011 State Health Plan Benefits, to establish a one year pilot program, for 2011 only, to provide treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. Require the Plan to develop program eligibility criteria for the patient and the facility to include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient. Direct that patient participation criteria must also include that a person may be eligible for the program’s bariatric surgery if he participates in the State Health Plan as either a subscriber or spouse and is not Medicare eligible; and (a) has a body mass index greater than 40; or has a body mass index greater than 35 and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma; (b) has participated in the State Health Plan the preceding 2 years; (c) has documented at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan with his primary practitioner; and (d) has presented a pre-operative psychological evaluation indicating they are a satisfactory candidate for surgery. Direct that a medical center or hospital may be eligible to deliver bariatric surgery in the program if (a) it is a nationally designated ASMBS Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery; (b) has critical post-surgical patient support in place including, but not limited to, a nutritionist or dietician for patient access; individual and group support meetings; development of personalized weight loss

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goals and management and support for lifelong life style changes; and a physical activity component; and (c) imposes an initial surgical fee that must include 18 months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings. Direct the pilot program is limited to 100 patients from different regions in the state. Require the State Health Plan shall annually report detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. Require a patient to serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery. Direct that surgeries performed under this program those determined most medically appropriate for participating patients. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

80A.55. (BCB: State Health Plan Obesity Treatment Pilot Program) DELETED

HOU: REINSERT original House version of new proviso.

80A.55. (BCB: State Health Plan Obesity Treatment Pilot Program) (A) The Budget and Control Board, when establishing the State Health Plan of Benefits for Plan Year 2011, shall establish a one-year pilot program designed to address the problem of the high rate of obesity in South Carolina by providing for the treatment and management of obesity and related conditions through various methods including, but not limited to, bariatric surgery as a treatment option. The State Health Plan through the State Budget and Control Board must conduct this program as provided in this proviso. The program will operate only in Plan Year 2011.

(B)(1) The State Health Plan shall develop criteria for patient and facility eligibility for the program which shall include, but not be limited to, bariatric surgical guidelines and criteria of the American Association of Clinical Endocrinologists (AACE), The Obesity Society (TOS), and American Society for Metabolic & Bariatric Surgery (ASMBS) Guidelines for Clinical Practice for the Perioperative Nutritional, Metabolic, and Nonsurgical Support of the Bariatric Surgery Patient.

(2) In addition to the considerations required in item (1) of this subsection, criteria for patient participation must include that a person may be eligible for bariatric surgery in the program if he is a State Health Plan participant covered as either a subscriber or spouse and is not eligible for Medicare and:

(a) (i) has a body mass index greater than forty; or

(ii) has a body mass index greater than thirty-five and with a co-morbidity such as diabetes, hypertension, gastro esophageal reflux disease, sleep apnea, or asthma;

(b) has participated in the State Health Plan for at least the immediately preceding two years;

(c) has documented with his primary practitioner at least two failed attempts at sustained weight loss using programmatic methods as approved by the Plan; and

(d) has presented a pre-operative psychological evaluation indicating the patient is a satisfactory candidate for surgery.

(3) In addition to the considerations required in item (1) of this subsection, a medical center or hospital may be eligible to deliver bariatric surgery in the program if it:

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(a) is a nationally designated ASMBs Center of Excellence for Bariatric Surgery, an American College of Surgeons (ACS) Bariatric Surgery Center Network member, or a Blue Distinction Center for Bariatric Surgery;

(b) has all the critical post-surgical patient support in place including, but not limited to:

(i) a nutritionist or dietician for patient access;

(ii) individual and group support meetings;

(iii) development of personalized weight loss goals and management and support for lifelong life style changes; and

(iv) a physical activity component; and

(c) imposes an initial surgical fee that must include eighteen months follow-up care for the patient that includes, but is not limited to, clinical complications, all band adjustments, use of COE support staff, use of nutritionists, and access to group meetings.

(C) The program may approve not more than one hundred patients from different regions in the state for the program based on the guidelines developed by the State Health Plan.

(D)(1) The State Health Plan shall report annually to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee with detailed information on the program's trends including, but not limited to, pre-surgical medical and prescription costs, including those associated with obesity and its co-morbidities, and postsurgical medical and prescription costs, including those related to complications from the surgery. A patient must serve as his own control by comparing health care costs in the preceding two years to his health care costs following surgery.

(2) Surgeries performed under this program shall be that determined most medically appropriate for participating patients.

80A.57 ADD (EIP Benefits) HOU2: ADD new proviso to direct the B&C Board to continue to make programs available pursuant to Section 1-11-710(A)(1) [STATE BUDGET AND CONTROL BOARD TO MAKE INSURANCE AVAILABLE TO ACTIVE AND RETIRED EMPLOYEES; INSURANCE RESERVE FUND TO PROVIDE REINSURANCE; COST TO BE PAID OUT OF APPROPRIATED AND OTHER FUNDS], to members of the BEA. Sponsor: Rep. Cooper.

80A.57.(BCB: EIP Benefits) The Budget and Control Board shall continue to make programs available pursuant to Section 1-11-710(A)(1) of the 1976 Code, to members of the Board of Economic Advisors.

SECTION 80C - F30-BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS

80C.2 AMEND FURTHER (Funding Abortions Prohibited) Prohibits funds appropriated to the State Health Insurance Plan for employer contributions from being used to reimburse abortion expenses except in cases of rape, incest or where the life of the mother is in jeopardy. Prohibits the State Health Plan from offering coverage for abortion services.

WMC: AMEND proviso to delete the exception for cases of rape, incest, or where the life of the mother is in jeopardy. Fiscal Impact: No impact on the General Fund.

HOU: AMEND FURTHER to specify an exception for cases where the life of the mother is at risk and the pregnancy termination is incidental to the lifesaving intervention. Specify that the State Health Plan may not offer coverage for services incidental to abortion except as permitted in this provision. State that the physician shall act in accordance with the standard of care to preserve both the life of the mother and the pre-born child. Sponsors: Reps. Delleney and Rice.

SFC: RESTORE original proviso.

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SEN: AMEND FURTHER to specify an exception for cases where the mother's medical condition is one which the physician determines so complicates the pregnancy as to require an immediate abortion to avert the risk of the mother's death or for which a delay will create a serious risk of substantial and irreversible impairment of major bodily function. Specify that the State Health Plan may not cover ancillary services provided contemporaneously with abortion services. Sponsor: Sen. Fair.

80C.2.(BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the ~~life of the mother is in jeopardy~~ mother's medical condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services.

HOU2: REINSERT original House version of proviso. Sponsor: Rep. Cooper.

80C.2.(BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases ~~of rape, incest or~~ where the life of the mother is ~~in jeopardy~~ at risk and the termination of the pregnancy is incidental to the lifesaving intervention, and the State Health Plan may not offer coverage for abortion services or services incidental to abortion except as permitted by this paragraph. The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child.

SECTION 86 - X22-AID TO SUBDIVISIONS, STATE TREASURER

86.6 **AMEND** (Legislative Delegation) Requires a county government to fund its legislative delegation budget as approved by the delegation for FY 2003-04, as authorized by law. Directs that if county council doesn't meet that funding level, the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and be forward to the legislative delegation. Directs that the county's remaining Aid to Subdivisions allotment must be reduced by 25% of the shortfall amount and also be forwarded to the legislative delegation for its administrative costs.

HOU2: AMEND proviso to deleted "as approved by the delegation for FY 2003-04, as authorized by law" and instead direct that the budget must be funded "pursuant to Section 3 of Act No. 382 of 2975." Sponsor: Rep. Cooper.

86.6. (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation budget ~~as approved by the delegation for FY 2003-04, as authorized by law~~ pursuant to Section 3 of Act No. 283 of 1975. If a county council does not meet that funding level, the amount of the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislation delegation of the county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

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SECTION 89 - X90-GENERAL PROVISIONS

89.99 **AMEND FURTHER** (ARRA Oversight) Directs that in order to provide transparency and accountability and to maintain the separation of duties as provided by our Constitution, the State Treasurer and the “Comptroller General” shall organize and co-chair a committee for monitoring funds associated with the ARRA of 2009 and that the committee shall collect information from state agencies and institutions regarding the funds they receive from ARRA. Directs that information collected shall include, but not be limited to, the name of the state agency or local government entity, program designation, purpose for which the funds were received and expended, and the amount of funds received and expended. Directs that the information collected also include data and documentation on jobs created resulting from receipt of the federal stimulus funds and to collect other information as required by ARRA. Authorize the co-chairs to require local government entities to provide information they deem relevant, including audit reports.

SFC: AMEND proviso to direct the committee to assess state agencies, as allowed by HR1 of 2009, an amount of funds equal to the pro rata share of ARRA funding each agency received that is adequate to fund activities related to carrying out the committee’s functions of central oversight for transparency and accountability of ARRA funding. Direct that the total assessment not exceed the central administrative budget submitted to the federal government for these activities. Direct the agencies to transfer the assessment from appropriated or authorized funds into an account established by the State Treasurer. Direct the B&C Board, Office of State Budget to assist agencies in identifying funding sources and making the transfers which must occur by 10/1/10. Direct unexpended funds, at the end of the ARRA reporting period, to be remitted to the contributing agencies on a pro-rata basis.

SEN: AMEND FURTHER to specify that the agencies to be assessed are those “with an indirect cost allocation plan.” Sponsors: Sens. Peeler and Setzler.

89.99. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.

To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies with an indirect cost allocation plan an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds

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are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.

HOU2: AMEND FURTHER to direct that agencies, except DOT, are to be assessed as allowed by HR1 of 2009. Sponsor: Rep. Cooper.

89.99. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports.

To provide funding for the central oversight costs for transparency and accountability of ARRA funding, the committee is directed to assess state agencies, except the Department of Transportation, as allowed by HR1 of 2009, an amount of funds equal to their pro rata share of ARRA funds received, adequate to fund the activities related to carrying out these functions. The total assessment shall not exceed the central administrative budget submitted to the federal government for these activities. The funds shall be transferred by the agencies assessed into an account established by the State Treasurer. Agencies are authorized and directed to transfer the invoiced amounts from appropriated or authorized funds. The Budget and Control Board, Office of State Budget shall assist agencies in identifying funding sources and making the necessary transfers. Funds are to be transferred by no later than October 1, 2010. At the end of the ARRA reporting period, any funds not expended for central administrative costs shall be remitted to the contributing agencies on a pro-rata basis.

- 89.103 DELETE** (Information Technology Inventory) Requires a governmental body as defined by Section 11-35-310(18) [SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE DEFINITIONS] to conduct an inventory of information technology hardware. Directs that hardware to be inventoried and information to be provided shall be defined by the technical collaboration work group established as part of the Statewide Strategic Information Technology Plan process. Directs that the information technology hardware inventory include: (1) manufacturer, model number and date of acquisition; (2) description of required software or firmware; (3) term, renewal options, and date of expiration of applicable maintenance agreements; (4) term and expiration date of applicable warranty periods; and (5) description of applicable service level agreements. Directs the governmental body to report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. Directs the State Information Technology Planning Office to present information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of IT hardware under a state term contract.

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WMC: DELETE proviso. *Purpose of proviso will be accomplished during FY 2010.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

HOU: ADOPT deletion of proviso.

SFC: REINSERT original proviso and amend to update “2009” to “2010.”

SEN: ADOPT proviso as amended.

89.103. (GP: Information Technology Inventory) A governmental body, as defined by Section 11-35-310(18) of the 1976 Code, must conduct an inventory of information technology hardware. The information technology hardware subject to the inventory and the information required to be provided shall be defined by the technical collaboration work group established as part of the legislatively directed Statewide Strategic Information Technology Plan process. At a minimum, the inventory shall include: (1) the manufacturer, model number and date of acquisition of the information technology hardware; (2) a description of any software or firmware required for the operation of the information technology hardware; (3) the term, renewal options, and date of expiration of any maintenance agreements applicable to the information technology hardware; (4) the term and expiration date of any warranty periods applicable to the information technology hardware; and (5) a description of any service level agreements applicable to the information technology hardware. The governmental body must report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, ~~2009~~ 2010. The State Information Technology Planning Office shall present the information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of information technology hardware under a state term contract.

HOU2: DELETE proviso. Sponsor: Rep. Cooper.

89.103. (GP: Information Technology Inventory) ~~A governmental body, as defined by Section 11-35-310(18) of the 1976 Code, must conduct an inventory of information technology hardware. The information technology hardware subject to the inventory and the information required to be provided shall be defined by the technical collaboration work group established as part of the legislatively directed Statewide Strategic Information Technology Plan process. At a minimum, the inventory shall include: (1) the manufacturer, model number and date of acquisition of the information technology hardware; (2) a description of any software or firmware required for the operation of the information technology hardware; (3) the term, renewal options, and date of expiration of any maintenance agreements applicable to the information technology hardware; (4) the term and expiration date of any warranty periods applicable to the information technology hardware; and (5) a description of any service level agreements applicable to the information technology hardware. The governmental body must report the inventory and related information to the State Information Technology Planning Office as soon as practicable, but no later than October 31, 2009. The State Information Technology Planning Office shall present the information and options for establishing a statewide maintenance contract to the Agency Directors Technology Advisory Committee for review and recommendations as to whether cost savings can be achieved by uniting maintenance services for specific categories of information technology hardware under a state term contract.~~

89.108 REINSERT NEW PROVISO (Transfer Small and Minority Business Assistance) **WMC:** ADD new proviso to transfer the duties, functions, responsibilities, personnel, equipment,

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supplies, appropriated, authorized and carry forward funds and all other assets and resources of the Office on Small and Minority Business Assistance housed under OEPP to the B&C Board Procurement Services Division effective July 1, 2010, or as soon as practicable thereafter. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

89.108. (GP: Transfer Small and Minority Business Assistance) DELETED

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

89.108. (GP: Transfer Small and Minority Business Assistance) Effective July 1, 2010, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Office on Small and Minority Business Assistance under the Governor's Office of Executive Policy and Programs are transferred to the Procurement Services Division of the Budget and Control Board.

89.109 REINSERT NEW PROVISO (TERI Program Closure) WMC: ADD new proviso to direct that that the TERI program is closed to new participants effective July 1, 2010. Fiscal Impact: No impact on the General Fund.

HOU: ADOPT new proviso.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

89.109. (GP: TERI Program Closure) DELETED

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

89.109. (GP: TERI Program Closure) The Teacher and Employee Retention Incentive (TERI) Program is closed to new participants effective July 1, 2010.

89.110 REINSERT NEW PROVISO (Fire Service Vehicles Allowed to Use "Offroad Diesel") WMC: ADD new proviso to exempt fire service vehicles operated by political subdivisions from the user fee on diesel fuel imposed by Chapter 28 of Title 12 [MOTOR FUELS SUBJECT TO USER FEES]. Authorize "offroad diesel" to be purchased to operate these vehicles. Fiscal Impact: BEA indicates no impact on the General Fund. Proceeds from diesel/off-road diesel user fees in FY 10-11 would be reduced by \$506,688 as follows: DOT State Highway Fund, \$484,000; DHEC \$15,125; Dept. of Agriculture, \$756; and DOT State Non-Federal Aid Highway Fund, \$6,807.

HOU: AMEND new proviso to specify "volunteer" fire service vehicles. Sponsor: Rep. Gambrell.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

89.110. (GP: Volunteer Fire Service Vehicles Allowed to Use "Off-Road Diesel") DELETED

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HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

89.110. (GP: Volunteer Fire Service Vehicles Allowed to Use "Off-Road Diesel") Volunteer fire service vehicles operated by political subdivisions of this State are exempt from the user fee on diesel fuel imposed pursuant to Chapter 28, Title 12 of the 1976 Code for fuel purchased in the current fiscal year. "Off-road diesel" may be purchased to operate these vehicles.

- 89.119 REINSERT NEW PROVISO** (DJJ & Wil Lou Gray Potential Consolidation Plan) **HOU:** ADD new proviso to direct the DJJ Director and Wil Lou Gray Superintendent to collaborate and develop a plan to potentially consolidate functions. Direct that the plan, including an estimate of cost savings be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by December 31, 2010. Authorize the director and superintendent to immediately implement any functions they identify to enable the agencies to operate more efficiently. Sponsors: Rep. Cooper and Wylie.

SFC: DELETE new proviso.

SEN: ADOPT deletion of new proviso.

89.119. (GP: DJJ & Wil Lou Gray Potential Consolidation Plan) DELETED

HOU2: REINSERT original House version of new proviso. Sponsor: Rep. Cooper.

89.119. (GP: DJJ & Wil Lou Gray Potential Consolidation Plan) The Director of the Department of Juvenile Justice and the Superintendent of the Wil Lou Gray Opportunity School are directed to collaborate and develop a plan to potentially consolidate the functions of the two entities. This plan, including an estimate of the cost savings, must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than December 31, 2010. In the event the Director and Superintendent identify functions which could be immediately implemented to enable the two agencies to operate more efficiently they shall have the authorization to implement such actions.

- 89.129 DELETE NEW PROVISO** (Reduction in Compensation) **SFC:** ADD new proviso to prohibit a state agency or political subdivision from decreasing an employee's compensation, including dismissal, suspension, or demotion solely because the employee gave sworn testimony to a Senate or House of Representatives standing committee or subcommittee, or study committee regarding alleged wrongdoing. Direct that this proviso applies regardless of when the alleged wrongdoing occurred. *Similar to S.1177.* Requested by Special Subcommittee to Review the LAC's Report on the Department of Corrections.

SEN: ADOPT new proviso.

89.129. (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.129. (GP: Reduction in Compensation) DELETED

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- 89.135 DELETE NEW PROVISO** (Public Safety Service Charge) **SFC:** ADD new proviso to require DMV, at the time a motor vehicle registration fee is collected, to collect a \$6 annual public safety service charge on all vehicles required to be registered in addition to the registration fees required by law. Direct that \$2 of the funds collected for property carrying vehicles (commercial motor vehicles) be deposited into a DOT special restricted account for commercial motor vehicle rest areas operating expenses. Direct that the remaining funds collected for property carrying vehicles and all service charges collected for other motor vehicles required to be registered be deposited into a DPS special restricted account specifically for Highway Patrol and State Transport Police personnel and operating expenses for sworn law enforcement officers. Authorize the funds to be retained and carried forward by the respective agencies and be used for the same purposes.

SEN: ADOPT new proviso.

89.135. (GP: Public Safety Service Charge) At the time of collection of the registration fee for a motor vehicle, the Department of Motor Vehicles shall collect a six dollar annual public safety service charge on all vehicles required to be registered in this state, in addition to the registration fees prescribed by law. Of the funds collected pursuant to this provision for property carrying vehicles, two dollars shall be deposited into a special restricted account of the Department of Transportation to be used for operating expenses of commercial motor vehicle rest areas. The remaining funds collected pursuant to this provision for property carrying vehicles and all service charges collected for other motor vehicles required to be registered shall be deposited into a special restricted account for the Department of Public Safety to be used specifically for personnel and operating expenses for sworn law enforcement officers of the South Carolina Highway Patrol and State Transport Police. All unexpended funds collected under this provision may be retained and carried forward by the Department of Transportation or the Department of Public Safety and used for the same purposes.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.135. (GP: Public Safety Service Charge) DELETED

- 89.136 AMEND NEW PROVISO** (State Agency restructuring Study Committee) **SEN:** ADD new proviso to create a State Agency Restructuring Study Committee composed of 8 members of the General Assembly: 1 appointed by the President Pro Tempore of the Senate; 1 appointed from the Senate Finance Committee by the chairman of the committee; 1 appointed by the Senate Majority Leader; 1 appointed by the Senate Minority Leader; 1 appointed by the Speaker of the House; 1 appointed from the Ways and Means Committee by the chairman of the committee; 1 appointed by the House Majority Leader; and 1 appointed by the House Minority Leader. Authorize members to receive per diem from the approved accounts of their respective body. Direct the study committee to review the potential for agencies to collaborate to consolidate functions. Direct that the review, including an estimate of cost savings be submitted to the Chairmen of the Senate Finance and House Ways and Means Committees by February 1, 2011. Direct the following functional areas be reviewed: 1) Education; 2) Health and Social Services; 3) Natural Resources and Environmental Services; 4) Cultural; 5) Regulatory; and 6) Transportation. Sponsors: Sens. Jackson and Ryberg

89.136. (GP: State Agency Restructuring Study Committee) There is created a State Agency Restructuring Study Committee. The committee shall be composed of eight members of the General Assembly appointed as follows: one member appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the

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Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; one member appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader. Members of the committee shall receive per diem from the approved accounts of their respective body.

The study committee shall review the potential for agencies to collaborate to potentially consolidate functions. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by February 1, 2011. Functional areas to be reviewed are: 1) Education; 2) Health and Social Services; 3) Natural Resources and Environmental Services; 4) Cultural; 5) Regulatory; and 6) Transportation.

HOU2: AMEND new proviso to direct that the committee be co-chaired by the Chairmen of the Senate Finance and Ways and Means Committees. Direct that the committee be composed of 10 members of the General Assembly: 2 appointed by the President Pro Tempore of the Senate; 1 Senate Finance Committee member appointed by the committee chairman; 1 appointed by the Senate Majority Leader; 1 appointed by the Senate Minority Leader; 2 appointed by the Speaker of the House; 1 Ways and Means Committee member appointed by the committee chairman; 1 appointed by the House Majority Leader; and 1 appointed by the House Minority Leader. Direct the committee to review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. Direct that the scope of the committee is not limited but at a minimum it shall review Education; Health and Social Services; Natural Resources and Environmental Services; Cultural; Regulatory; and Transportation. Direct that the review, including a cost savings estimate, be submitted to the Chairmen of the Senate Finance and Ways and Means Committees by December 10, 2010. Sponsor: Rep. Cooper.

89.136. (GP: State Agency Restructuring Study Committee) There is created a State Agency Restructuring Study Committee. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.

The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review 1) Education; 2) Health and Social Services; 3) Natural Resources and Environmental Services; 4) Cultural; 5) Regulatory; and 6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by December 10, 2010.

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- 89.137 DELETE NEW PROVISO (Websites) SEN:** ADD new proviso require all state agencies, departments, and institutions to be responsible for providing on its Internet website a link to the website of any agency that posts that agency, department, or institution's monthly state procurement card statement or monthly report that contains all or substantially all the same information contained in the monthly state procurement card statements on its website. Require the link to be to the agency's specific webpage or section on the website where the state procurement card information can be found. Prohibit the state procurement card number from being posted. Require any information which federal or state law or regulation expressly prohibits from being publicly disclosed to be redacted from any posting required by this provision. Sponsor: Sen. Rose.

89.137. (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports containing all or substantially all the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency, department, or institution can be found. The information posted may not contain the state procurement card number. Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.137. (GP: Websites) DELETED

- 89.138 DELETE NEW PROVISO (Mayor and Councilman Study Committee) SEN:** ADD new proviso to create a study committee to study the issues of when does a mayor or councilman forfeit his office, and how should a vacancy in the office of mayor or councilman be filled. Direct the committee to study all relevant provisions of law and make recommendations to the General Assembly. Direct that the study committee be composed of the following: Director of the Election Commission, or her designee who shall serve as chairperson; President Pro Tempore of the Senate, Speaker of the House, Chairman of the Senate Judiciary Committee, Chairman of the House Judiciary Committee, or their designees; two members selected by the President of the Association of Counties; two members selected by the President of the Municipal Association; and President of the SC Association of Registration and Election Officials. Direct that the appropriate Senate and House committees provide staffing and coordination. Direct that members serve without mileage, per diem, and subsistence. Direct that the study committee meet as often as is necessary, and convene no later than sixty days after the effective date of this act. Require the study committee submit its recommendations to the Chairmen of the Senate and House Judiciary Committees and the members of the Senate and House by January 1, 2011. Direct that upon submission of the recommendations the study committee will be dissolved. Sponsor: Sen. Scott.

89.138. (GP: Mayor and Councilman Study Committee) There is created a study committee to study all relevant provisions of law and make recommendations to the members of the General Assembly regarding the issues of when does a mayor or councilman forfeit his office, and how should a vacancy in the office of mayor or councilman be filled.

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The study committee shall be composed of the: Director of the South Carolina Election Commission, or her designee who shall serve as chairperson; President Pro Tempore of the Senate, or his designee; Speaker of the House of Representatives, or his designee; Chairman of the Senate Judiciary Committee, or his designee; Chairman of the House of Representatives Judiciary Committee, or his designee; two members selected by the President of the Association of Counties; two members selected by the President of the Municipal Association; and President of the South Carolina Association of Registration and Election Officials. The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.

The study committee shall submit its recommendations to the Chairman of the Senate Judiciary Committee, Chairman of the House of Representatives Judiciary Committee, and the members of the Senate and House of Representatives no later than January 1, 2011, at which point the study committee will dissolve.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.138. (GP: Mayor and Councilman Study Committee) **DELETED**

89.140 **AMEND NEW PROVISO** (Beach Renourishment Suspension) **SEN:** ADD new proviso to suspend, for FY 10-11, Chapter 40 of Title 48 [BEACH RESTORATION AND IMPROVEMENT TRUST ACT]. Sponsor: Sen. Peeler.

89.140. (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40 of Title 48 of the 1976 Code is suspended.

HOU2: AMEND new proviso to direct that the suspension shall be lifted in the event of a natural disaster that affects the coastline of the state. Sponsor: Rep. Cooper.

89.140. (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40 of Title 48 of the 1976 Code is suspended. In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.

89.141 **DELETE NEW PROVISO** (Drug Court Program Funds) **SEN:** ADD new proviso to establish a Drug Court Program Fund within the State Treasurer's Office that is separate and distinct from the General Fund to fund drug court programs. Require solicitors who have not used the funds they received in prior fiscal years pursuant to Sections 14-1-213, 8-21-320, or an appropriations bill to establish or administer a drug court program by January 1, 2011, to transfer the funds to the State Treasurer's Office by February 1, 2011 for deposit in the Drug Court Program Fund. Require solicitors who are not using the funds they receive in the current fiscal year pursuant to the same code sections or the appropriations bill to establish or operate a drug court program to transfer the funds to the State Treasurer's Office within 30 days of receipt for deposit in the Drug Court Program Fund. Require persons who are convicted, plead guilty, or plead nolo contendere for a drug offense in general sessions, magistrates, or municipal courts during the current fiscal year to pay a \$50 drug court fee. Prohibit any portion of the fee from being waived, reduced, or suspended, except in cases of indigency, in which case the court may partially or totally waive, reduce, or suspend the fee. Require the revenue collected to be retained by the jurisdiction that heard or processed the case and be paid to the State Treasurer's Office within 30 days of receipt, for deposit in the Drug Court Program Fund.

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Direct that if the drug surcharge established by Section 14-1-213 is increased by a separate act this provision is null and void. Direct that during the current fiscal year, before a person may be discharged and the proceedings dismissed pursuant to Section 44-53-450, the person must pay a \$350 fee if in general sessions court and \$150 fee if in summary court. Prohibit any portion of the fee from being waived, reduced, or suspended, except in cases of indigency, in which case the court may partially or totally waive, reduce, or suspend the fee. Require the revenue collected to be retained by the jurisdiction that heard or processed the case and be paid to the State Treasurer's Office within 30 days of receipt, for deposit in the Drug Court Program Fund. Direct that if a fee is established by a separate act for a conditional discharge as contained in Section 44-53-450 this provision is null and void. Direct that the funds and revenue deposited in the Drug Court Program Fund may be distributed pursuant to a resolution of the General Assembly passed during the current fiscal year. Sponsors: Sens. Malloy, Campsen, and Knotts.

89.141. (GP: Drug Court Program Funds) (A) During the current fiscal year, a Drug Court Program Fund is established within the State Treasurer's Office separate and distinct from the State's General Fund for the purpose of funding drug court programs.

(B) Solicitors who received drug court funds during prior fiscal years pursuant to Section 14-1-213, Section 8-21-320, or a General Appropriations bill who have not used the funds to establish or administer a drug court program by January 1, 2011, shall transfer such funds to the State Treasurer's Office by February 1, 2011, to be deposited in the Drug Court Program Fund.

(C) Solicitors who receive drug court funds during the current fiscal year pursuant to Section 14-1-213, Section 8-21-320, or the General Appropriations bill who are not using the funds for the establishment or operation of a drug court program shall transfer such funds to the State Treasurer's Office within thirty days of receipt, to be deposited in the Drug Court Program Fund.

(D) A person who is convicted, pleads guilty, or pleads nolo contendere for a drug offense in general sessions court, magistrates court, or municipal court during the current fiscal year must pay a fifty dollar drug court fee. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this provision must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer's Office within thirty days of receipt, to be deposited in the Drug Court Program Fund. If the drug surcharge established by Section 14-1-213 is increased by a separate act of the General Assembly, this provision is null and void.

(E) Before a person may be discharged and the proceedings dismissed during the current fiscal year pursuant to Section 44-53-450, the person must pay a three hundred fifty dollar fee if the person is in a general sessions court and a one hundred fifty dollar fee if the person is in a summary court. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this provision must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer's Office within thirty days of receipt, to be deposited in the Drug Court Program Fund. If a fee is established by a separate act of the General Assembly for a conditional discharge as contained in Section 44-53-450, this provision is null and void.

(F) The funds and revenue deposited in the Drug Court Program Fund during the current fiscal year pursuant to this proviso may be distributed pursuant to a resolution of the General Assembly passed during the current fiscal year.

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HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.141. (GP: Drug Court Program Funds) DELETED

- 89.143 DELETE NEW PROVISO** (I-95 Corridor) **SEN:** ADD new proviso to direct that \$3,000,000 of the funds available in the Healthcare Tobacco Settlement Trust Fund is appropriated to the South Carolina Research Authority to be used for a grant program to promote health related issues pursuant to Section 11-11-170(B)(1)(g) along the I-95 Corridor. Require the grant to be matched 2:1 by the recipient. Sponsors: Sens. Leatherman and Land.

89.143. (GP: I-95 Corridor) For the current fiscal year, from the funds available in the Healthcare Tobacco Settlement Trust Fund, there is appropriated three million dollars to the South Carolina Research Authority. The funds shall be used for a grant program to promote health related issues, pursuant to Section 11-11-170(B)(1)(g), along the I-95 Corridor. Any grant awarded pursuant to this proviso shall be matched on a two-to-one basis by the grant recipient.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.143. (GP: I-95 Corridor) DELETED

- 89.144 DELETE NEW PROVISO** (Additional Classroom Funding) **SEN:** ADD new proviso to direct agencies to determine the amount of unencumbered funds, as of September 1, 2010, resulting from the difference between the number of filled and authorized FTE's funded with general funds as established in this act and to report their findings to the Office of State Budget by September 15, 2010. Direct the Office of State Budget, based on the findings, to direct agencies to transfer, on a pro-rata basis, up to \$21,515,400 of the identified funds to the Department of Education for distribution to school districts that receive less than 40% state support as computed in Section 59-20-40(1) with each district to receive a pro-rata share determined in accordance with their number of weighted students, adjusted for student attendance. Sponsors: Sens. Davis, McConnell, Cleary, Elliott, Rankin, Ford, Campsen, and McGill.

89.144. (GP: Additional Classroom Funding) Agencies are directed to determine the amount of unencumbered funds, as of September 1, 2010, resulting from the difference between the number of filled and authorized FTE's funded by general funds existing within their budget as delineated in this act. Agencies shall report their findings to the Budget and Control Board, Office of State Budget by September 15, 2010. Based on these findings the Office of State Budget shall direct agencies to transfer, on a pro-rata basis, up to \$21,515,400 of these identified funds to the Department of Education to be distributed to school districts receiving less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, with each district to receive a pro-rata share of said amount determined in accordance with the district's number of weighted students, which must be subject to adjustment for student attendance.

HOU2: DELETE new proviso. Sponsor: Rep. Cooper.

89.144. (GP: Additional Classroom Funding) DELETED

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- 89.146 ADD (Civil Conspiracy Defense Cost) HOU2:** ADD new proviso to direct that for the current fiscal year, for any claim that has not reached a judgment, if a current or former state or local government employee is personally sued for civil conspiracy based in part on a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination on whether the action or decision was made by the government employee within the scope of their official duty. Direct that if the court finds that the employee was acting outside the scope of their official duties, the government shall not expend any more funds to pay or defend the claim. Direct that if the court finds the employee was acting within the scope of their official duties, they are immune from suit, liability, and damages with respect to the civil conspiracy claim. Direct that the government may only spend funds to defend the claim if it is determined that the employee was acting within the scope of their official duties. Direct that nothing in this proviso prevents an insurance provider from defending and paying any claims that the provider has contractually agreed to defend and pay. Sponsor: Rep. Cooper.

89.146. (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee ("government employee") is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

- 89.147 ADD (Sunday Work Law Exemption) HOU2:** ADD new proviso to direct that for the current fiscal year, telephone call center operations are exempt from the restrictions imposed on Sunday work by Chapter 1, Title 53 and direct that an employee of that type of business that operates on Sunday has the option of refusing to work in accordance with Section 53-1-100. Direct that if that employee is dismissed or demoted because of their conscientious objection to working on Sunday they have the remedies provided pursuant to Section 53-1-150(C). Sponsor: Rep. Cooper.

89.147. (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.

- 89.148 ADD (Recovery Audits) HOU2:** ADD new proviso to direct the B&C Board to contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. Require the audits be designed to detect and recover

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overpayments and erroneous payments to vendors and to recommend improved state agency accounting operations. Require a state agency to pay, from recovered monies received, the recovery audit consultant responsible for obtaining a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000. Direct the recovered funds, less recovery cost, to be remitted to a special fund subject to General Assembly appropriation. Authorize agencies to recover costs that are documented to be directly related to implementation of this provision. Direct that recovery audits apply only to a payment made after a 180 day period from the date the payment was made. Require the vendor to treat all information provided under a contract as confidential and direct that a violation of this confidentiality shall result in the vendor forfeiting all recovery payments under the contract and to be held to the same sanctions and penalties that would apply to that disclosure. Direct the B&C Board to require that recovery audits be performed for state agencies which have over \$100,000,000 in total expenditures during a fiscal year. Require these agencies to provide the recovery audit consultant with all necessary information. Authorize the B&C Board to exempt a state agency that has a low proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments from the mandatory recovery audit process. Authorize the B&C Board or a state agency, at its discretion, to require similar recovery audits of an agency with less than \$100,000,000 in expenditures during a fiscal year. Require a state agency to expend or return recovered federal money to the federal government and to pay the recovery audit consultant from the federal share of recovered funds as allowed by the federal agency. Direct the B&C Board to provide copies, including electronic copies, of final reports received from a consultant under contract to: the Governor; the Chairmen of the Senate Finance and Ways and Means Committees; and the state auditor's office. Require the B&C Board, by January 1st each year, to issue a report to the General Assembly that summarizes the contents of all reports received under this provision during the prior fiscal year. Sponsor: Rep. Cooper.

89.148. (GP: Recovery Audits) The Budget and Control Board shall contract with one or more consultants to conduct recovery audits of payments made by state agencies included in this act to vendors. The audits must be designed to detect and recover overpayments and erroneous payments to the vendors and to recommend improved state agency accounting operations. A state agency shall pay, from recovered monies received, the recovery audit consultant responsible for obtaining for the agency a reimbursement from a vendor based on the following scale: 10% of up to the first \$1,000,000 recovered; 5% of \$1,000,001 to \$5,000,000 recovered; 2.5% of the amount recovered above \$5,000,001 with a maximum consultant payment of \$2,500,000.

Funds recovered, less the cost of recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation of this provision.

Recovery audits apply only to a payment made after a one hundred eighty day period from the date the payment was made.

All information provided under a contract must be treated as confidential by the vendor. A violation of this provision shall result in the forfeiture by the vendor of all recovery payments under the contract and to the same sanctions and penalties that would apply to that disclosure.

The Budget and Control Board shall require that recovery audits be performed in regard to state agencies which have total expenditures during a fiscal year in an amount that exceeds one hundred million dollars. Each state agency subject to this provision shall provide the recovery audit consultant with all information necessary for the audit. The Budget and Control Board may exempt from the mandatory recovery audit process a state agency that has a low

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proportion of its expenditures made to vendors, or sufficient internal procedures in place to prevent overpayments. The Budget and Control Board or a state agency in its discretion may require similar recovery audits of a state agency with expenditures of less than one hundred million dollars during a fiscal year.

Funds recovered, less the cost of audit and agency recovery, shall be remitted to a special fund subject to appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation.

A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit conducted under this chapter. Payments to the recovery audit consultant from the federal share of recovered funds shall be solely from the federal portion as allowed by the federal agency.

The Budget and Control Board shall provide copies, including electronic form copies, of final reports received from a consultant under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means Committee; and the state auditor's office. Not later than January first of each year, the board shall issue a report to the General Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

SECTION 90 - X91-STATEWIDE REVENUE

90.15 AMEND NEW PROVISO FURTHER (Repayment of Deficit) **WMC:** ADD new proviso to direct the State Treasurer to transfer the following sources of revenue, prior to closing the books on FY 09-10, to repay the FY 08-09 general fund operating deficit: (1) excess FY 09-10 general fund revenue above the statewide adjusted agency appropriations; (2) \$2,500,000 from the Department of Agriculture Subfund 3079, Renewable Energy Infrastructure Development Fund; (3) \$9,431,724 from B&C Board Subfund 3146; and (4) \$7,341,716 from B&C Board FY 09-10 Educational Broadband Spectrum Lease receipts. Direct that once the FY 08-09 general fund operating deficit has been repaid any remaining funds from sources 2-4 are to be transferred to the General Reserve Fund in FY 10-11.

HOU: AMEND new proviso to direct that \$4,300,000 shall remain in the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008 to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations. Direct that the funds distributed by this provision shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the PSC, and the access fees paid by the Atlantic Compact generators. Direct that the B&C Board may authorize expenditure of funds from the escrow account, not to exceed \$700,000, for any actions taken by the Attorney General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. Direct that Southern States Energy Board annual dues also be paid from the escrow account. Sponsors: Reps. Cooper, J.R. Smith, Clyburn, T.R. Young, D.C. Smith, Spires, and Stewart.

SFC: ADOPT new proviso as amended.

90.15. (SR: Repayment of Deficit) The State Treasurer is directed to transfer, prior to the close of the books for Fiscal Year 2009-10, the sources of revenue identified in this provision for the repayment of the Fiscal Year 2008-09 general fund operating deficit. The transfers are to be made in the following priority order as funds are available:

(1) Excess Fiscal Year 2009-10 general fund revenue above the statewide adjusted agency appropriations;

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(2) \$2,500,000 from P16 - Department of Agriculture, Subfund 3079, Renewable Energy Infrastructure Development Fund;

(3) \$9,431,724 from F03 - Budget and Control Board, Subfund 3146; and

(4) \$7,341,716 from F03 - Budget and Control Board, Fiscal Year 2009-10 Educational Broadband Spectrum Lease receipts.

Upon the complete repayment of the Fiscal Year 2008-09 general fund operating deficit any remaining funds from sources (2) through (4) are to be transferred in Fiscal Year 2010-11 to the General Reserve Fund.

From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain \$4,300,000 in the account to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed pursuant to this provision shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. The Budget and Control Board may authorize the expenditure of funds, not to exceed \$700,000, from the escrow account for any actions taken by the Attorney General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

HOU2: AMEND FURTHER to specify that the amount distributed from the escrow account is to "offset any operating shortfalls." Direct that funds remaining in the account to offset operating shortfalls may also be used to maintain access fees to the facility for FY 2010-11 at the FY 2009-10 level. Authorize the Attorney General's Office to retain, expend, and carry forward the funds received from the B&C Board for the Yucca Mountain suit on behalf of the State of South Carolina and to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year. Sponsor: Rep. Cooper.

90.15. (SR: Repayment of Deficit) The State Treasurer is directed to transfer, prior to the close of the books for Fiscal Year 2009-10, the sources of revenue identified in this provision for the repayment of the Fiscal Year 2008-09 general fund operating deficit. The transfers are to be made in the following priority order as funds are available:

(1) Excess Fiscal Year 2009-10 general fund revenue above the statewide adjusted agency appropriations;

(2) \$2,500,000 from P16 - Department of Agriculture, Subfund 3079, Renewable Energy Infrastructure Development Fund;

(3) \$9,431,724 from F03 - Budget and Control Board, Subfund 3146; and

(4) \$7,341,716 from F03 - Budget and Control Board, Fiscal Year 2009-10 Educational Broadband Spectrum Lease receipts.

Upon the complete repayment of the Fiscal Year 2008-09 general fund operating deficit any remaining funds from sources (2) through (4) are to be transferred in Fiscal Year 2010-11 to the General Reserve Fund.

From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, there shall remain \$4,300,000 in the account to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls may also be used to maintain access fees to the facility for Fiscal Year 2010-11 at the Fiscal Year 2009-10 level. The Budget and Control Board may authorize the expenditure of funds, not to exceed \$700,000,

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from the escrow account for any actions taken by the Attorney General's Office and expenses associated with such actions relating to the Nuclear Waste Policy Act of 1982. The Attorney General's Office is authorized to retain, expend, and carry forward these funds for the Yucca Mountain suit on the behalf of the State of South Carolina. The Attorney General's Office is authorized to use a portion of these funds to reimburse the office for any Yucca Mountain expenses incurred in the prior fiscal year. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.

- 90.18 AMEND NEW PROVISO FURTHER** (Health Care Maintenance of Effort Funding)
WMC: ADD new proviso to direct that the source of funds in this provision is \$195,457,066 from the Health Care Annualization and Maintenance of Effort Fund; that by this provision these funds are available for appropriation; and direct the State Treasurer to disburse the following appropriations by September 1, 2010: \$143,315,492 to Department of Health and Human Services for Medicaid Maintenance of Effort; \$400,000 to Department of Health and Environmental Control for Rape Crisis Centers; and \$18,141,574 to Department of Social Services for Child Support Enforcement Penalties. Direct that the following appropriations are disbursed for agency operating expenses: \$7,600,000 to Department of Health and Environmental Control; \$12,500,000 to Department of Mental Health; \$12,500,000 to Department of Disabilities and Special Needs; \$400,000 to Vocational Rehabilitation; \$500,000 to Department of Alcohol and Other Drug Abuse Services; and \$100,000 to Commission for the Blind. Fiscal Impact: No impact on the General Fund. \$195,457,066 from the Health Care Annualization and Maintenance of Effort Fund established in FY 09-10. Authorize unexpended funds to be carried forward and expended for the same purposes.
HOU: AMEND new proviso to change Medicaid Maintenance of Effort from "\$143,315,492" to "\$104,030,001" and change DDSN from "\$12,500,000" to "\$51,785,491." Direct DDSN to transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from 7/1/10 to 12/31/10 to the Department of Health and Human Services, Direct DDSN to use \$1,250,000 of the \$51,785,491 for Early Intervention for 3-5 year-olds. Sponsors: Reps. Edge, Cooper, Clyburn, Horne, and A.D. Young.
SFC: AMEND FURTHER to change the amount of the source of funds in this provision from "\$195,457,066" to "\$129,255,892." Direct that \$42,692,773 be disbursed to the General Fund. Change the amount to be disbursed to HHS for Medicaid Maintenance of Effort from "\$104,030,001" to "\$28,799,779;" the amount to DSS for Child Support Enforcement Penalties and Development from "\$18,141,574" to "\$18,677,849;" and the amount to DDSN from "\$51,785,491" to "\$21,385,491." Direct that if the balance of the Fund exceeds the total appropriated herein, excess funds shall be appropriated to HHS for Medicaid Maintenance of Effort and if the balance is less than appropriated, HHS shall be reduced by a corresponding amount. Delete the requirement that DDSN transfer unobligated state match funds to HHS.

90.18. (SR: Health Care Maintenance of Effort Funding) (A) The source of funds appropriated in this provision is \$129,255,892 from the Health Care Annualization and Maintenance of Effort Fund. By this provision these funds are deemed to have been received and are available for appropriation.

(B) The State Treasurer shall disburse the following appropriations by September 1, 2010, for the purposes stated:

- (1) Part IA State General Fund \$ 42,692,773;**
- (2) J02 Department of Health and Human Services**
Medicaid Maintenance of Effort \$ 28,799,779;
- (3) L04 Department of Social Services**
Child Support Enforcement Penalties and Development \$ 18,677,849;

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The below funds shall be disbursed for the purpose of agency operating expenses.

(4) J04 Department of Health and Environmental Control \$ 7,600,000;

(5) J12 Department of Mental Health \$ 9,500,000;

(6) J16 Department of Disabilities and Special Needs..... \$ 21,385,491;

The Department of Disabilities and Special Needs shall utilize \$1,250,000 of the above \$21,385,491 for Early Intervention for 3-5 year-olds.

(7) J20 Department of Alcohol and Other Drug Abuse Services \$ 500,000; and

(8) L24 Commission for the Blind..... \$ 100,000.

If the balance of the Fund exceeds the total amount appropriated in this provision, the excess funds shall be appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort. If the balance of the Fund is less than the total amount appropriated in this provision, the appropriation to the Department of Health and Human Services shall be reduced by a corresponding amount.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

HOU2: AMEND FURTHER to change the amount to be transferred to the General Fund from “\$42,692,773” to “\$76,735,512;” delete HHS, Medicaid Maintenance of Effort \$28,799,779; and change DHEC from “\$7,600,000” to “\$2,357,040.” Sponsor: Rep. Cooper.

90.18. (SR: Health Care Maintenance of Effort Funding) (A) The source of funds appropriated in this provision is \$129,255,892 from the Health Care Annualization and Maintenance of Effort Fund. By this provision these funds are deemed to have been received and are available for appropriation.

(B)The State Treasurer shall disburse the following appropriations by September 1, 2010, for the purposes stated:

(1) Part IA State General Fund..... \$ 76,735,512;

(2) L04 Department of Social Services

Child Support Enforcement Penalties and Development \$ 18,677,849;

The below funds shall be disbursed for the purpose of agency operating expenses.

(3) J04 Department of Health and Environmental Control \$ 2,357,040;

(4) J12 Department of Mental Health \$ 9,500,000;

(5) J16 Department of Disabilities and Special Needs..... \$ 21,385,491;

The Department of Disabilities and Special Needs shall utilize \$1,250,000 of the above \$21,385,491 for Early Intervention for 3-5 year-olds.

(6) J20 Department of Alcohol and Other Drug Abuse Services \$ 500,000; and

(7) L24 Commission for the Blind..... \$ 100,000.

If the balance of the Fund exceeds the total amount appropriated in this provision, the excess funds shall be appropriated to the Department of Health and Human Services for Medicaid Maintenance of Effort. If the balance of the Fund is less than the total amount appropriated in this provision, the appropriation to the Department of Health and Human Services shall be reduced by a corresponding amount.

(C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

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PART III -FISCAL YEAR 2010-11 STATE STABILIZATION FUND

- SEC 1 ADD** (Recognition of Funds) **WMC:** ADD Section 1 to state that \$346,056,109 of federal funds established by the American Recovery and Reinvestment Act of 2009 (ARRA) are authorized for appropriation.
HOU: ADOPT Section 1.
SFC: ADOPT Section 1.
SEN: ADOPT Section 1.
HOU2: ADOPT Section 1.

PART III

FISCAL YEAR 2010-11 STATE STABILIZATION FUND

SECTION 1. Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$346,056,109 of federal funds are authorized for appropriation pursuant to the provisions of this Part.

- SEC 2 AMEND FURTHER** (Allocation of Funds) **WMC:** ADD Section 2 to direct that specified funds must be transferred to the identified agencies to supplement appropriations for FY 10-11 and authorize the Office of State Budget to increase federal fund authorization for those agencies. Direct that SLED must use the funds transferred to them to maximize statutorily mandated law enforcement services. Direct that for purposes of expending funds authorized in this section, the funds must be used in a manner consistent with the State Fiscal Stabilization Fund established by the ARRA. State that the General Assembly recognizes that receipt of the funds are designed to address a precipitous drop in revenue due to the pending economic crisis and use of this money to fund recurring expenses is a way to address the shortfall in recurring funds until the economy improves. State that the General Assembly recognizes that these funds are temporary and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. State that the General Assembly strongly encourages state agencies, institutions and school districts that receive these funds to limit reliance on the funds and make contingency plans that include savings to meet future recurring obligations. Authorize Part III funds in the prior appropriation act and in this act to be carried forward and used for the same purpose in accordance with federal guidelines.
HOU: AMEND Section 2, Item 43, by changing reference to "E16 - State Treasurer's Office" to "70C - Leg Dept - Codification of Laws and Legislative Council." Sponsor: Rep. White.
SFC: AMEND FURTHER Section 2, by deleting the following: \$500,000 for SDE, Governor's School for the Arts and Humanities; \$500,000 for SDE, School for Math and Science; \$308,764 for Wil Lou Gray Opportunity School; and \$308,765 for John de la Howe School. Change USC Columbia from "\$26,989,369" to "\$26,892,783;" USC Beaufort from "\$385,191" to "\$481,777;" Forestry Commission from "\$300,000" to "\$500,000;" SC State PSA from "\$200,000" to "\$500,000;" SLED from "\$2,409,187" to \$2,000,000;" Department of Corrections from "\$45,554,564" to "\$40,428,002;" and Law Enforcement Training Council from "\$50,000" to "\$120,000." Delete funding of \$1,516,728 for DPS. Provide the following funds: \$250,000 to Department of Archives and History; \$250,000 to Arts Commission; \$2,000,000 to Department of Probation, Parole and Pardon Services for Operating Expenses and \$600,000 for Sentencing Reform; and \$5,000,000 to DJJ.
SEN: ADOPT Section 2 as amended.

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SECTION 2. (A) The following sums shall be transferred to the following agencies to be expended for the specified purposes to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2010-11 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein:

(1)H63 - Department of Education School District Stabilization	\$ 174,430,646
(2)H03 - Commission on Higher Education	\$ 364,440
(3)H09 - The Citadel.....	\$ 2,363,807
(4)H12 - Clemson University	\$ 16,484,608
(5)H15 - University of Charleston.....	\$ 4,988,026
(6)H17 - Coastal Carolina University.....	\$ 2,426,619
(7)H18 - Francis Marion University	\$ 2,811,497
(8)H21 - Lander University	\$ 1,594,370
(9)H24 - South Carolina State University	\$ 3,458,970
(10) H27 - University of South Carolina - Columbia.....	\$ 26,892,783
(11) H29 - University of South Carolina - Aiken.....	\$ 1,632,206
(12) H34 - University of South Carolina - Upstate	\$ 2,129,109
(13) H36 - University of South Carolina - Beaufort.....	\$ 481,777
(14) H37 - University of South Carolina - Lancaster.....	\$ 406,379
(15) H38 - University of South Carolina - Salkehatchie	\$ 346,335
(16) H39 - University of South Carolina - Sumter	\$ 642,876
(17) H40 - University of South Carolina - Union.....	\$ 156,660
(18) H47 - Winthrop University	\$ 3,415,182
(19) H51 - Medical University of South Carolina.....	\$ 14,201,190
(20) H53 - Consortium of Community Teaching Hospitals	\$ 2,184,649
(21) H59 - Board for Technical & Comprehensive Education.....	\$ 23,676,177
(22) H87 - State Library	\$ 1,172,758
(23) P12 - Forestry Commission	\$ 500,000
(24) P16 - Department of Agriculture	\$ 200,000
(25) P20 - Clemson University - PSA	\$ 2,600,000
(26) P21 - South Carolina State University - PSA	\$ 500,000
(27) B04 - Judicial Department	\$ 2,150,000
(28) C05 - Administrative Law Court	\$ 100,000
(29) D10 - State Law Enforcement Division.....	\$ 2,000,000
(30) E20 - Attorney General's Office.....	\$ 500,000
(31) E21 - Prosecution Coordination Commission	\$ 500,000
(32) E23 - Commission on Indigent Defense	700,000
(33) N04 - Department of Corrections	\$ 40,428,008
(34) N20 - Law Enforcement Training Council	\$ 120,000
(35) P24 - Department of Natural Resources	\$ 1,145,089
(36) E08 - Secretary of State	\$ 40,000
(37) E12 - Comptroller General's Office	\$ 50,000
(38) A15 - Leg Dept. - Codification of Laws and Legislative Council. \$	50,000
(39) F27 - Budget and Control Board, State Auditor's Office	\$ 111,948
(40) H79 - Department of Archives and History	\$ 250,000
(41) H91 - Arts Commission	\$ 250,000
(42) N08 - Department of Probation, Parole and Pardon Services - Operating Expenses	\$ 2,000,000
(43) N08 - Department of Probation, Parole and Pardon Services - Sentencing Reform	\$ 600,000 and

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(44) N12 - Department of Juvenile Justice..... \$ 5,000,000
Total Funds Authorized for Fiscal Year 2010-11 \$ 346,056,109.

(B) Of the funds transferred to the State Law Enforcement Division in this section, the division must utilize the funds to maximize statutorily-mandated law enforcement services.

(C) For purposes of the expenditures authorized by this section, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

(D) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

(E) Unexpended federal funds authorized in Part III of the prior appropriation act and in Part III of this act shall be carried forward from the prior fiscal year into the current and subsequent fiscal years and be expended for the same purpose in accordance with federal guidelines.

HOU2: AMEND FURTHER Section 2 by deleting item (37) E12, Comptroller General's Office \$50,000; change item (38) A15, Leg Dept - Codification of Laws and Legislative Council from "\$50,000" to "\$100,000;" change item (40) H79, Dept of Archives & History from "\$250,000" to "\$200,000;" and add new item H95, State Museum \$50,000. Sponsor: Rep. Cooper.

SECTION 2. (A) The following sums shall be transferred to the following agencies to be expended for the specified purposes to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2010-11 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein:

(1)H63 - Department of Education School District Stabilization.....	\$ 174,430,646
(2)H03 - Commission on Higher Education.....	\$ 364,440
(3)H09 - The Citadel.....	\$ 2,363,807
(4)H12 - Clemson University	\$ 16,484,608
(5)H15 - University of Charleston.....	\$ 4,988,026
(6)H17 - Coastal Carolina University.....	\$ 2,426,619
(7)H18 - Francis Marion University	\$ 2,811,497
(8)H21 - Lander University	\$ 1,594,370
(9)H24 - South Carolina State University	\$ 3,458,970
(10) H27 - University of South Carolina - Columbia.....	\$ 26,892,783
(11) H29 - University of South Carolina - Aiken.....	\$ 1,632,206
(12) H34 - University of South Carolina - Upstate	\$ 2,129,109
(13) H36 - University of South Carolina - Beaufort.....	\$ 481,777
(14) H37 - University of South Carolina - Lancaster	\$ 406,379
(15) H38 - University of South Carolina - Salkehatchie	\$ 346,335
(16) H39 - University of South Carolina - Sumter	\$ 642,876
(17) H40 - University of South Carolina - Union.....	\$ 156,660
(18) H47 - Winthrop University	\$ 3,415,182

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(19) H51 - Medical University of South Carolina.....	\$ 14,201,190
(20) H53 - Consortium of Community Teaching Hospitals	\$ 2,184,649
(21) H59 - Board for Technical & Comprehensive Education.....	\$ 23,676,177
(22) H87 - State Library	\$ 1,172,758
(23) P12 - Forestry Commission	\$ 500,000
(24) P16 - Department of Agriculture	\$ 200,000
(25) P20 - Clemson University - PSA	\$ 2,600,000
(26) P21 - South Carolina State University - PSA	\$ 500,000
(27) B04 - Judicial Department	\$ 2,150,000
(28) C05 - Administrative Law Court	\$ 100,000
(29) D10 - State Law Enforcement Division.....	\$ 2,000,000
(30) E20 - Attorney General's Office.....	\$ 500,000
(31) E21 - Prosecution Coordination Commission	\$ 500,000
(32) E23 - Commission on Indigent Defense	700,000
(33) N04 - Department of Corrections	\$ 40,428,008
(34) N20 - Law Enforcement Training Council	\$ 120,000
(35) P24 - Department of Natural Resources	\$ 1,145,089
(36) E08 - Secretary of State	\$ 40,000
(37) A15 - Leg Dept. - Codification of Laws and Legislative Council. \$	100,000
(38) F27 - Budget and Control Board, State Auditor's Office	\$ 111,948
(39) H79 - Department of Archives and History	\$ 200,000
(40) H91 - Arts Commission	\$ 250,000
(41) N08 - Department of Probation, Parole and Pardon Services - Operating Expenses	\$ 2,000,000
(42) N08 - Department of Probation, Parole and Pardon Services - Sentencing Reform	\$ 600,000
(43) N12 - Department of Juvenile Justice.....	\$ 5,000,000 and
(44) H95 - State Museum	<u>\$ 50,000</u>
Total Funds Authorized for Fiscal Year 2010-11	\$ 346,056,109.

(B) Of the funds transferred to the State Law Enforcement Division in this section, the division must utilize the funds to maximize statutorily-mandated law enforcement services.

(C) For purposes of the expenditures authorized by this section, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.

(D) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

(E) Unexpended federal funds authorized in Part III of the prior appropriation act and in Part III of this act shall be carried forward from the prior fiscal year into the current and subsequent fiscal years and be expended for the same purpose in accordance with federal guidelines.

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- SEC 3 ADD** (Effective) **WMC:** ADD Section 3 to direct that this part takes effect upon approval of the Governor.
HOU: ADOPT Section 3.
SFC: ADOPT Section 3.
SEN: ADOPT Section 3.
HOU2: ADOPT Section 3.

SECTION 3. This part takes effect upon approval by the Governor.

PART IV -ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE

- SEC 1 ADD** (Recognition of Funds) **HOU:** ADD Section 1 to state that pursuant to passage of federal legislation extending AARA's enhanced FMAP, it is the General Assembly's intent that the Governor certify receipt of the 2 additional quarters and that these funds are authorized for appropriation in this Part. Sponsors: Reps. Cooper and Edge.
SFC: ADOPT Section 1.
SEN: ADOPT Section 1.
HOU2: ADOPT Section 1.

PART IV

ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE

SECTION 1. Pursuant to passage of federal legislation extending the American Recovery and Reinvestment Act's enhanced Medicaid Federal Medical Assistance Percentage (FMAP), it is the intent of the General Assembly that the Governor certify receipt of the two additional quarters of enhanced FMAP. As a result of the Governor's action, the General Assembly recognizes that these funds are authorized for appropriation pursuant to the provisions of this Part.

- SEC 2 AMEND FURTHER** (Allocation of Funds) **HOU:** ADD Section 2 to direct that the source of funds in this Part are \$173,587,157 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restrict special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased FMAP. Direct that the designated funds shall be distributed in four equal disbursements, quarterly. Designate funds to certain agencies for specified purposes. Direct that \$350,000 of the funds allocated for Trauma Centers shall be provided to each hospital in the trauma system that is approved by DHEC to elevate a level 2 trauma hospital to a level 1 or a level 3 to a level 2. Authorize unexpended funds to be carried forward. Require all agencies, unless specifically exempt by another provision, to transfer unobligated state match funds that result from receipt of the increased FMAP to the State Treasurer for deposit into the Health Care Annualization and Maintenance of Effort Fund. Sponsors: Reps. Cooper and Edge.
AMEND to direct that if the funding for SCHIP Stand Alone (HCK) is realized in this Part, enrollment into SCHIP shall not be closed to new participants effective 7/1/10 as required by proviso 21.25 and if funding for the GAPS Program is realized in this Part, the requirements of Title 44, Chapter 6-610 through 6-660 shall not be suspended as required by proviso 21.43. Sponsor: Rep. Cooper.
AMEND FURTHER to delete \$8,000,000 to DMV for vehicle license plate replacement and provide funds for operating expenses as follows: \$1,000,000 to Prosecution Coordination

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Commission; \$1,000,000 to Commission on Indigent Defense; \$2,000,000 to Department of Probation, Parole & Pardon Services; an \$4,000,000 to DMV. Direct DMV, for FY 10-11 to suspend the license plate replacement interval. Sponsors: Rep. G.M. Smith, J.H. Neal, and Clyburn.

AMEND FURTHER to provide \$1,000,000 to Vocational Rehabilitation for Federal Medicaid Match and \$350,000 to MUSC for the Rural Dentist Program . Sponsor: Rep. Edge.

AMEND FURTHER to direct DHEC to use \$1,000,000 of the funds provided for agency operating expenses for Aids Prevention. Sponsors: Reps. J.H. Neal and Edge.

AMEND FURTHER to direct the State Treasurer to disburse sufficient funds from the Health Care Annualization and Maintenance of Effort Fund to the Department of Health and Human Services to meet the Medicaid Maintenance of Effort Requirements. Sponsor: Rep. Cooper.

SFC: AMEND FURTHER to change the funds appropriated in this provision from “\$174,937,157” to “\$213,544,646;” delete previous appropriations and instead provide that the following funds be distributed, at a minimum, in four equal disbursements on a quarterly basis: \$144,124,646 to HHS for Medicaid Maintenance of Effort; \$1,700,000 to DHEC for Youth Smoking Prevention and Cessation Program and \$2,400,000 for ADAP Program - Annualize Funding; \$2,000,000 to DMH for Crisis Stabilization; \$18,400,000 to DSS for Replace TANF Shortfall; \$1,300,000 to Lieutenant Governor’s Office for Home and Community Based Services, Meals on Wheels; and \$3,920,000 to Voc Rehab for Federal Match. Direct that the following funds be disbursed for agency operating expenses: \$9,000,000 to DHEC; \$17,500,000 to DMH; \$600,000 to DAODAS; \$250,000 to Commission for the Blind; and \$150,000 to School for the Deaf and the Blind. Direct that the following funds be distributed beginning January 1, 2011, at a minimum, in two equal disbursements: to HHS: \$1,000,000 for Rural Hospital Grants; \$200,000 for Kidney Early Evaluation Program Health Screenings; \$400,000 for Federally Qualified Health Centers; for Prescription Assistance Programs - \$700,000 for Welvista and \$150,000 for Free Medical Clinics; and \$100,000 for Shared Care; to DHEC: \$1,000,000 for HIV Prevention Faith Based Initiatives; \$2,000,000 for Best Chance Network; \$2,000,000 for Colorectal Cancer Screening; \$1,000,000 for Trauma Centers; \$100,000 for Rape Crisis Centers; and \$100,000 for Hemophilia; \$1,000,000 to USC for Rural Health Centers; to MUSC: \$1,000,000 for MUSC Disproportionate Share ; \$350,000 for Rural Dentist Program; and \$1,000,000 for Hollings Cancer Center - Research and Treatment and \$100,000 to OEPP for Children’s Trust Fund Prevention of Child Abuse and Neglect Matching Funds. Direct that unobligated state match funds that result from the increased FMAP in excess of the funds appropriated in this provision shall be retained by the HHS for Medicaid Maintenance of Effort. Authorize unexpended funds to be carried forward to succeeding fiscal years and be spent for the same purposes.

SEN: ADOPT Section 2.

SECTION 2. The source of funds appropriated in this provision is \$213,544,646 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from January 1, 2011 to June 30, 2011 to the Department of Health and Human Services.

The funds designated herein shall be distributed, at a minimum, in four equal disbursements on a quarterly basis.

1. Department of Health and Human Services

Medicaid Maintenance of Effort..... \$ 144,124,646

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2. Department of Health and Environmental Control	
A. Youth Smoking Prevention and Cessation Program.....	\$ 1,700,000
B. ADAP Program - Annualize Funding.....	\$ 2,400,000
3. Department of Mental Health	
Crisis Stabilization.....	\$ 2,000,000
4. Department of Social Services	
Replace TANF Shortfall	\$ 18,400,000
5. Lieutenant Governor's Office	
Home and Community Based Services, Meals on Wheels.....	\$ 1,300,000
6. Vocational Rehabilitation	
Federal Match	\$ 3,920,000

The below funds shall be disbursed for the purpose of agency operating expenses.

7. Department of Health and Environmental Control.	\$ 9,000,000
8. Department of Mental Health	\$ 17,500,000
9. Department of Alcohol and Other Drug Abuse Services	\$ 600,000
10. Commission for the Blind.....	\$ 250,000
11. School for the Deaf and the Blind.....	\$ 150,000

The funds designated below shall be distributed beginning January 1, 2011, at a minimum, in two equal disbursements

12. Department of Health and Human Services	
A. Rural Hospital Grants	\$ 1,000,000
B. Kidney Early Evaluation Program Health Screenings	\$ 200,000
C. Federally Qualified Health Centers	\$ 400,000
D. Prescription Assistance Programs	
(i) Welvista	\$ 700,000
(ii) Free Medical Clinics	\$ 150,000
E. Shared Care.....	\$ 100,000
13. Department of Health and Environmental Control	
A. HIV Prevention Faith Based Initiatives	\$ 1,000,000
B. Best Chance Network	\$ 2,000,000
C. Colorectal Cancer Screening	\$ 2,000,000
D. Trauma Centers.....	\$ 1,000,000
E. Rape Crisis Centers.....	\$ 100,000
F. Hemophilia	\$ 100,000
14. University of South Carolina - Rural Health Centers	\$ 1,000,000
15. Medical University of South Carolina	
A. MUSC Disproportionate Share.....	\$ 1,000,000
B. Rural Dentist Program	\$ 350,000
C. Hollings Cancer Center - Research and Treatment.....	\$ 1,000,000
16. Governor's Office of Executive Policy and Programs	
Children's Trust Fund Prevention of Child Abuse	
and Neglect Matching Funds.....	\$ 100,000

Any unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage in excess of the funds appropriated above shall be retained by the Department of Health and Human Services for Medicaid Maintenance of Effort.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

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HOU2: AMEND FURTHER, Section 2, to change item 1. DHHS, Medicaid Maintenance of Effort from “\$144, 124,646” to “\$172,924,425;” change item 2. DHEC, A. Youth Smoking Prevention and Cessation Program from “\$1,700,000” to “\$1;” and B. ADAP Program - Annualize Funding from “\$2,400,000” to “\$1;” change item 4, DSS, Replace TANF Shortfall from “\$18,400,000” to “\$1;” change item 8, DMH from “\$17,500,000” to “\$16,357,250;” change item 12. DHHS, A. Rural Hospital Grants from “\$1,000,000” to “\$1;” B. Kidney Early Evaluation Program Health Screenings from “\$200,000” to “\$1;” C. Federally Qualified Health Centers from “\$400,000” to “\$1;” D. Prescription Assistance Programs, (i) Welvista from “\$700,000” to “\$1;” and (ii) Free Medical Clinics from “\$150,000” to “\$1;” and E. Shared Care from “\$100,000” to “\$700,000;” change item 13, DHEC, A. HIV Prevention Faith Based Initiatives from “\$1,000,000” to “\$1;” B. Best Chance Network from “\$2,000,000” to “\$1;” C. Colorectal Cancer Screening from “\$2,000,000” to “\$1;” D. Trauma Centers from “\$1,000,000” to “\$1;” E. Rape Crisis Centers from “\$100,000” to “\$400,000;” and F. Hemophilia from “\$100,000” to “\$250,000.” Direct that from the Trauma Center funds priority be given to each hospital in the trauma system approved by DHEC to elevate a level 2 trauma hospital to a level 1 or to elevate a level 3 trauma hospital to a level 2. Sponsor: Rep. Cooper.

SECTION 2. The source of funds appropriated in this provision is \$213,544,646 of Department of Health and Human Services general fund appropriations, carry forward funds, earmarked and restricted special revenue fund accounts, and unobligated state match funds resulting from the extension of the increased Federal Medical Assistance Percentage. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage from January 1, 2011 to June 30, 2011 to the Department of Health and Human Services.

The funds designated herein shall be distributed, at a minimum, in four equal disbursements on a quarterly basis.

1. Department of Health and Human Services	
Medicaid Maintenance of Effort.....	\$ 172,924,425
2. Department of Health and Environmental Control	
A. Youth Smoking Prevention and Cessation Program.....	\$ 1
B. ADAP Program - Annualize Funding.....	\$ 1
3. Department of Mental Health	
Crisis Stabilization.....	\$ 2,000,000
4. Department of Social Services	
Replace TANF Shortfall	\$ 1
5. Lieutenant Governor’s Office	
Home and Community Based Services, Meals on Wheels.....	\$ 1,300,000
6. Vocational Rehabilitation	
Federal Match	\$ 3,920,000

The below funds shall be disbursed for the purpose of agency operating expenses.

7. Department of Health and Environmental Control.	\$ 9,000,000
8. Department of Mental Health	\$ 16,357,250
9. Department of Alcohol and Other Drug Abuse Services.....	\$ 600,000
10. Commission for the Blind.....	\$ 250,000
11. School for the Deaf and the Blind.....	\$ 150,000

The funds designated below shall be distributed beginning January 1, 2011, at a minimum, in two equal disbursements

12. Department of Health and Human Services	
A. Rural Hospital Grants	\$ 1

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B. Kidney Early Evaluation Program Health Screenings	\$	1
C. Federally Qualified Health Centers	\$	1
D. Prescription Assistance Programs		
(i) Welvista	\$	1
(ii) Free Medical Clinics	\$	1
E. Shared Care	\$	700,000
13. Department of Health and Environmental Control		
A. HIV Prevention Faith Based Initiatives	\$	1
B. Best Chance Network	\$	1
C. Colorectal Cancer Screening	\$	1
D. Trauma Centers	\$	1

Of the funds allocated above for Trauma Centers priority shall be given to each hospital in the trauma system that is approved by the Department of Health and Environmental Control to elevate a level two trauma hospital to a level one or to elevate a level three trauma hospital to a level two.

E. Rape Crisis Centers	\$	400,000
F. Hemophilia	\$	250,000
14. University of South Carolina - Rural Health Centers	\$	1,000,000
15. Medical University of South Carolina		
A. MUSC Disproportionate Share	\$	1,000,000
B. Rural Dentist Program	\$	350,000
C. Hollings Cancer Center - Research and Treatment	\$	1,000,000
16. Governor's Office of Executive Policy and Programs		
Children's Trust Fund Prevention of Child Abuse and		
Neglect Matching Funds	\$	100,000

Any unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage in excess of the funds appropriated above shall be retained by the Department of Health and Human Services for Medicaid Maintenance of Effort.

Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

SEC 3 ADD (Recognition of Temporary Nature of Funds) **HOU:** ADD Section 3 to recognize the temporary nature of these funds to address the shortfall in recurring funds. Encourage state agencies, institutions and school districts to limit reliance on these funds and to make contingency plans to meet future recurring obligations. Sponsors: Reps. Cooper and Edge.

SFC: ADOPT Section 3.

SEN: ADOPT Section 3.

HOU2: ADOPT Section 3.

SECTION 3. The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations.

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SEC 4 ADD (Effective) **HOU:** ADD Section 4 to direct that this Part takes effect upon approval of the Governor. Sponsors: Reps. Cooper and Edge.
SFC: ADOPT Section 4.
SEN: ADOPT Section 4.
HOU2: ADOPT Section 4

SECTION 4. This part takes effect upon approval by the Governor.

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